

March 9, 1928.
[H. R. No. 9842.]
[Public, No. 121.]

CHAP. 166.—An Act To provide for the survey, appraisal, and sale of the undisposed lots in the town site of Saint Marks, Florida.

Public lands.
Town site of Saint
Marks, Fla., to be sur-
veyed into lots, etc.

Appraisal.

Sale for cash to high-
est bidder at public
sale.

Disposal of unsold
lots.

Provisos.
Cemetery for town.
Selection by municip-
ality for public park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may cause all public lands within the Government town site of Saint Marks, situated in sections 2, 3, 10, and 11, township 4 south, range 1 east, Tallahassee meridian, Florida, established by the Act of March 2, 1833 (Fourth Statutes, page 664), to be surveyed into lots, blocks, streets, and alleys as he may deem proper and when the survey is completed cause said lots to be appraised by three competent and disinterested persons appointed by him and report their proceedings to him for action thereon. If such appraisement be disapproved the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisal has been approved he shall cause the said lots to be sold at public sale to the highest bidder for cash at not less than the appraised value thereof, first having given sixty days' public notice of the time, place, and terms of the sale immediately prior thereto by publication in at least one newspaper having a general circulation in the vicinity of the land and in such other newspapers as he may deem advisable; and any lots remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value thereof: *Provided*, That the square embracing the lands now being used as a burying ground be set aside as a cemetery for the use of the town of Saint Marks, Florida: *Provided further*, That the municipality of Saint Marks, Florida, shall have a right for ninety days subsequent to the filing of the plat of survey of said town site to select and receive patent to any two blocks desired for public park purposes, not exceeding five and five tenths acres in area.

Approved, March 9, 1928.

March 10, 1928.
[H. R. 7201.]
[Public, No. 122.]

CHAP. 167.—An Act To provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary, against the United States, and for the ultimate return of all property held by the Alien Property Custodian.

Settlement of War
Claims Act of 1928.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Settlement of War Claims Act of 1928."

Claims of Americans
against Germany.

CLAIMS OF NATIONALS OF THE UNITED STATES AGAINST GERMANY

Awards of Mixed
Claims Commission to
be certified to Secretary
of the Treasury.

Vol. 42, p. 2200.

Payment thereof,
with interest.

Interest annually
upon unpaid awards.

SEC. 2. (a) The Secretary of State shall, from time to time, certify to the Secretary of the Treasury the awards of the Mixed Claims Commission, United States and Germany, established in pursuance of the agreement of August 10, 1922, between the United States and Germany (referred to in this Act as the "Mixed Claims Commission").

(b) The Secretary of the Treasury is authorized and directed to pay an amount equal to the principal of each award so certified, plus the interest thereon, in accordance with the award, accruing before January 1, 1928.

(c) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of

5 per centum per annum, upon the amounts payable under subsection (b) and remaining unpaid, beginning January 1, 1928, until paid.

(d) The payments authorized by subsection (b) or (c) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsection (c) of section 4.

(e) There shall be deducted from the amount of each payment, as reimbursement for the expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per centum thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts. In computing the amounts payable under subsection (c) of section 4 (establishing the priority of payments) the fact that such deduction is required to be made from the payment when computed or that such deduction has been made from prior payments, shall be disregarded.

(f) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall not be payable under this section.

(g) No payment shall be made under this section unless application therefor is made, within two years after the date of the enactment of this Act, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made, except that—

(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over \$500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;

(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court in the United States and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and

(4) In the case of an assignment of an award, or an assignment (prior to the making of the award) of the claim in respect of which the award was made, by a receiver or trustee for any such person, duly appointed by a court in the United States, such payment shall be made to the assignee.

(h) Nothing in this section shall be construed as the assumption of a liability by the United States for the payment of the awards of the Mixed Claims Commission, nor shall any payment under this section be construed as the satisfaction, in whole or in part, of any of such awards, or as extinguishing or diminishing the liability of Germany for the satisfaction in full of such awards, but shall be considered only as an advance by the United States until all the payments from Germany in satisfaction of the awards have been received. Upon any payment under this section of an amount in respect of an award, the rights in respect of the award and of the claim in respect of which the award was made shall be held to have been assigned pro tanto to the United States, to be enforced by and on behalf of the United States against Germany, in the same manner and to the same extent as such rights would be enforced on behalf of the American national.

Payments from German special deposit fund.

Post, 260.

Expenses to be deducted from payments.

Not considered in computing awards.

Claims of United States excluded.

Time limit for making applications.

Payments authorized.

To legal representative of deceased, etc., person.

To terminated partnerships, etc.

To receiver or trustee.

To assignee of an award.

Payment of awards by United States, not construed as the assumption of a liability.

Rights held as assigned to United States and to be enforced against Germany.

Consent of applicants assumed.

Agreement with Germany requested to extend Claims Commission to July 1, 1928.
Post, p. 2698.

Awards to be certified.

Ante, p. 254.

German claims against United States.

German War Claims Arbiter to be appointed.

Salary.

Claims for compensation to be determined by Arbiter.

Merchant vessels taken by the United States.
Vol. 40, p. 75.

Determination of value.

Prior payments deducted.

Findings of Board of Survey accepted as evidence.

Radio station sold to United States.

Determination of value.

Prior payments deducted.

Patents sold, etc., to United States by Alien Property Custodian.

(i) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this Act.

(j) The President is requested to enter into an agreement with the German Government by which the Mixed Claims Commission will be given jurisdiction of and authorized to decide claims of the same character as those of which the commission now has jurisdiction, notice of which is filed with the Department of State before July 1, 1928. If such agreement is entered into before January 1, 1929, awards in respect of such claims shall be certified under subsection (a) and shall be in all other respects subject to the provisions of this section.

CLAIMS OF GERMAN NATIONALS AGAINST UNITED STATES

SEC. 3. (a) There shall be a War Claims Arbiter (hereinafter referred to as the "Arbiter"), who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to any provision of law prohibiting the holding of more than one office. The Arbiter, notwithstanding any other provision of law, shall receive a salary to be fixed by the President, in an amount, if any, which if added to any other salary will make his total salary from the United States not in excess of \$15,000 a year.

(b) It shall be the duty of the Arbiter, within the limitations hereinafter prescribed, to hear the claims of any German national (as hereinafter defined), and to determine the fair compensation to be paid by the United States, in respect of—

(1) Any merchant vessel (including any equipment, appurtenances, and property contained therein), title to which was taken by or on behalf of the United States under the authority of the Joint Resolution of May 12, 1917 (Fortieth Statutes, page 75). Such compensation shall be the fair value, as nearly as may be determined, of such vessel to the owner immediately prior to the time exclusive possession was taken under the authority of such Joint Resolution, and in its condition at such time, taking into consideration the fact that such owner could not use or permit the use of such vessel, or charter or sell or otherwise dispose of such vessel for use or delivery, prior to the termination of the war, and that the war was not terminated until July 2, 1921, except that there shall be deducted from such value any consideration paid for such vessel by the United States. The findings of the Board of Survey appointed under the authority of such Joint Resolution shall be competent evidence in any proceeding before the Arbiter to determine the amount of such compensation.

(2) Any radio station (including any equipment, appurtenances, and property contained therein) which was sold to the United States by or under the direction of the Alien Property Custodian under authority of the Trading with the Enemy Act, or any amendment thereto. Such compensation shall be the fair value, as nearly as may be determined, which such radio station would have had on July 2, 1921, if returned to the owner on such date in the same condition as on the date on which it was seized by or on behalf of the United States, or on which it was conveyed or delivered to, or seized by, the Alien Property Custodian, whichever date is earlier, except that there shall be deducted from such value any consideration paid for such radio station by the United States.

(3) Any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the

Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the Trading with the Enemy Act, as amended).

(4) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by, the Alien Property Custodian, but not including any use during any period between April 6, 1917, and November 11, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special, available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

(c) The proceedings of the Arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The Arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the Arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the Arbiter or any such referee at any place within or without the United States may be paid the same fees and mileage as witnesses in courts of the United States. Such payments shall be made out of any funds in the German special deposit account hereinafter provided for, and may be made in advance.

(d) The Arbiter may, from time to time, and shall, upon the determination by him of the fair compensation in respect of all such vessels, radio stations, and patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest, at the rate of 5 per centum per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive. If a German national filing a claim in respect of any such vessel fails to establish to the satisfaction of the Arbiter that neither the German Government nor any member of the former ruling family had, at the time of the taking, any interest in such vessel, either directly or indirectly, through stock ownership or control or otherwise, then (whether or not claim has been filed by or on behalf of such Government or individual) no award shall be made to such German national unless and until the extent of such interest of the German Government and of the members of the former ruling family has been determined by the Arbiter. Upon such determination the Arbiter shall make a tentative award in favor of such Government or individual in such amount as the Arbiter determines to be in justice and equity representative of such interest, and reduce accordingly the amount available for tentative awards to German nationals filing claims in respect of the vessel so that the aggregate of the tentative awards (including awards on behalf of the German Government and members of the former ruling family) in respect of the vessel will be within the amount of fair compensation determined under subsection (b) of this section.

(e) The total amount to be awarded under this section shall not exceed \$100,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the

Determination of compensation for.

Prior payments deducted.
Exception.
Post, p. 274.

Use by United States of patented inventions, conveyed by Custodian.

Period not included.

Defenses available.

Authority of Arbiter.

Hearings, etc.

Witness fees, etc., payable from German special deposit.

Post, p. 260.

Tentative awards of fair compensation, by Arbiter.

Interest allowed.

Action on a vessel claim failing to show that German Government, etc., has no interest therein.

Tentative award on determination of interest of German Government, etc.

Total amount limited.
Minus expenses and payments heretofore made.

Exception.	term of office of the Arbiter) and (2) the aggregate consideration paid by the United States in respect of the acquisition of such vessels and radio stations, and the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the Trading with the Enemy Act, as amended).
Post, p. 274.	
Pro rata reduction if tentative awards exceed aggregate authorized.	(f) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (e), the Arbiter shall reduce pro rata the amount of each tentative award. The Arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.
Awards to be certified.	
Payment directed.	(g) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under subsection (f).
Interest allowed on unpaid claims.	(h) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of 5 per centum per annum, upon the amount of any such award remaining unpaid, beginning January 1, 1929, until paid.
Payments from German special deposit fund.	(i) The payments in respect of awards under this section shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsections (c) and (d) of section 4.
Post, p. 260.	
No payment to German Government, but award credited upon final payments due for Mixed Claims awards.	(j) The Secretary of the Treasury shall not pay any amount in respect of any award made to or on behalf of the German Government or any member of the former ruling family, but the amount of any such award shall be credited upon the final payment due the United States from the German Government for the purpose of satisfying the awards of the Mixed Claims Commission.
Time for making applications.	(k) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Germany, and either in money of the United States or in lawful German money, and shall be made only to the person on behalf of whom the award was made, except that—
Payment to beneficiary direct.	(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over \$500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;
Exceptions.	(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;
To legal representative of deceased etc., person.	(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court of competent jurisdiction and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and
To terminated partnerships, etc.	(4) In the case of an assignment of an award, or of an assignment (prior to the making of the award) of the claim in respect of which such award was made, by a receiver or trustee for any such person, duly appointed by a court of competent jurisdiction, payment shall be made to the assignee.
To receiver or trustee.	
To assignee of an award.	

(l) The head of any executive department, independent establishment, or agency in the executive branch of the Government, including the Alien Property Custodian and the Comptroller General, shall, upon request of the Arbiter, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the Arbiter, furnish them statements and assistance of the same character as is described in section 188 of the Revised Statutes, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist the Arbiter, or to act as a referee, in carrying out the provisions of this section. The Attorney General shall assign such officers and employees of the Department of Justice as may be necessary to represent the United States in the proceedings under this section.

(m) The Arbiter, with the approval of the Secretary of the Treasury, is authorized to (1) appoint and fix the salaries of such officers, referees, and employees, without regard to the civil service laws and regulations or to the Classification Act of 1923, and (2) make such expenditures (including expenditures for the salary of the Arbiter, rent and personal services at the seat of government and elsewhere, law books, periodicals, books of reference, and printing and binding) as may be necessary for carrying out the provisions of this section and within the funds available therefor. Any officer or employee detailed or assigned under subsection (1) shall be entitled to receive (notwithstanding any provision of law to the contrary) such additional compensation as the Arbiter, with the approval of the Secretary of the Treasury, may prescribe. The Arbiter and officers and employees appointed, detailed, or assigned shall be entitled to receive their necessary traveling expenses and actual expenses incurred for subsistence (without regard to any limitations imposed by law) while away from the District of Columbia on business required by this section.

(n) On the date on which the awards are certified to the Secretary of the Treasury under subsection (f) or the date on which the awards are certified to the Secretary of the Treasury under subsection (e) of section 6 (patent claims of Austrian and Hungarian nationals), whichever date is the later, the terms of office of the Arbiter, and of the officers and employees appointed by the Arbiter, shall expire, and the books, papers, records, correspondence, property, and equipment of the office shall be transferred to the Department of the Treasury.

(o) No award or tentative award shall be made by the Arbiter in respect of any claim if (1) such claim is filed after the expiration of four months from the date on which the Arbiter takes office, or (2) any judgment or decree awarding compensation or damages in respect thereof has been rendered against the United States, and if such judgment or decree has become final (whether before or after the enactment of this Act), or (3) any suit or proceeding against the United States, or any agency thereof, is commenced or is pending in respect thereof and is not dismissed upon motion of the person by or on behalf of whom it was commenced, made before the expiration of six months from the date on which the Arbiter takes office and before any judgment or decree awarding compensation or damages becomes final.

(p) There is hereby authorized to be appropriated, to be immediately available and to remain available until expended, the sum of \$50,000,000, and, after the date on which the awards of the Arbiter under this section are certified to the Secretary of the Treasury, such additional amounts as, when added to the amounts previously appropriated, will be equivalent to the aggregate amount of such awards

Information from records, etc., to be afforded by departments, etc.

R. S., sec. 188, p. 29. Temporary details of officials, etc., authorized.

Arbiter authorized to appoint personnel, make expenditures, etc.

Additional pay to persons detailed.

Travel and subsistence expenses allowed.

Office of Arbiter, etc., to cease when awards certified. *Ante*, p. 258.

Post, p. 264.

Transfer of records, etc.

Restriction on making awards. Claim filed too late.

Judgments rendered against United States.

Suits pending.

Sum to be immediately available. *Post*, p. 914.

Additional after awards certified.

Aggregate limited.	plus the amounts necessary for the expenditures authorized by subsections (c) and (m) of this section (expenses of administration), except that the aggregate of such appropriations shall not exceed \$100,000,000.
Provisions exclusive method for presenting and paying claims.	(q) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this Act. This subsection shall not bar the presentation of a claim under section 21 (relating to the claims of certain former German nationals in respect of the taking of the vessels "Carl Diederichsen" and "Johanne"); but no award shall be made under section 21 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.
Claims for "Carl Diederichsen" and "Johanne," not barred.	
Post, p. 277.	
Restriction.	
Award apportioned if two or more claims.	(r) If the aggregate amount to be awarded in respect of any vessel, radio station, or patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the Arbiter as he determines to be just and equitable and as the interests of the claimants may appear.
Pro rata payments of tentative awards.	(s) The Secretary of the Treasury, upon the certification of any of the tentative awards made under subsection (d) of this section and the recommendation of the Arbiter, may make such pro rata payments in respect of such tentative awards as he deems advisable, but the aggregate of such payments shall not exceed \$25,000,000.
Ante, p. 257.	
Aggregate limited.	
German special deposit account.	GERMAN SPECIAL DEPOSIT ACCOUNT
Created for disbursing all payments under Claims Commission and Arbiter.	SEC. 4. (a) There is hereby created in the Treasury a German special deposit account, into which shall be deposited all funds hereinafter specified and from which shall be disbursed all payments authorized by section 2 or 3, including the expenses of administration authorized under subsections (c) and (m) of section 3 and subsection (e) of this section.
Sources.	(b) The Secretary of the Treasury is authorized and directed to deposit in such special deposit account—
Sums from Custodian.	(1) All sums invested or transferred by the Alien Property Custodian, under the provisions of section 25 of the Trading with the Enemy Act, as amended;
Post, p. 268.	
Awards to Germans.	(2) The amounts appropriated under the authority of section 3 (relating to claims of German nationals); and
Money received on account of Mixed Claims Commission awards.	(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this Act, by the United States in respect of claims of the United States against Germany on account of the awards of the Mixed Claims Commission.
Priority of payments directed.	(c) The Secretary of the Treasury is authorized and directed, out of the funds in such special deposit account, subject to the provisions of subsection (d), and in the following order of priority—
Administration expenses.	(1) To make the payments of expenses of administration authorized by subsections (c) and (m) of section 3 or subsection (e) of this section;
Awards for death or personal injury.	(2) To make so much of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), as is attributable to an award on account of death or personal injury, together with interest thereon as provided in subsection (c) of section 2;
Ante, p. 254.	

(3) To make each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount thereof is not payable under paragraph (2) of this subsection and does not exceed \$100,000, and to pay interest thereon as provided in subsection (c) of section 2;

Other awards not exceeding \$100,000.

(4) To pay the amount of \$100,000 in respect of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount of such authorized payment is in excess of \$100,000 and is not payable in full under paragraph (2) of this subsection. No person shall be paid under this paragraph and paragraph (3) an amount in excess of \$100,000 (exclusive of interest beginning January 1, 1928), irrespective of the number of awards made on behalf of such person;

If in excess of that amount, \$100,000.

(5) To make additional payments authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), in such amounts as will make the aggregate payments (authorized by such subsection) under this paragraph and paragraphs (2), (3), and (4) of this subsection equal to 80 per centum of the aggregate amount of all payments authorized by subsection (b) of section 2. Payments under this paragraph shall be prorated on the basis of the amount of the respective payments authorized by subsection (b) of section 2 and remaining unpaid. Pending the completion of the work of the Mixed Claims Commission, the Secretary of the Treasury is authorized to pay such installments of the payments authorized by this paragraph as he determines to be consistent with prompt payment under this paragraph to all persons on behalf of whom claims have been presented to the Commission;

Limit to one person.

Additional payments on awards equal to 80 per cent of all payments authorized.

Basis of.

Installments authorized pending completion of work of Claims Commission.

(6) To pay amounts determined by the Secretary of the Treasury to be payable in respect of the tentative awards of the Arbitrator, in accordance with the provisions of subsection (s) of section 3 (relating to awards for ships, patents, and radio stations);

Tentative awards of Arbitrator for German ships, etc.

(7) To pay to German nationals such amounts as will make the aggregate payments equal to 50 per centum of the amounts awarded under section 3 (on account of ships, patents, and radio stations). Payments authorized by this paragraph or paragraph (6) may, to the extent of funds available under the provisions of subsection (d) of this section, be made whether or not the payments under paragraphs (1) to (5), inclusive, of this subsection have been completed;

Payments to Germans equal to 50 per cent of aggregate awards.

Funds available.

Post, p. 262.

(8) To pay accrued interest upon the participating certificates evidencing the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the Trading with the Enemy Act, as amended (relating to the investment of 20 per centum of German property temporarily withheld);

Accrued interest on participating certificates.

Post, p. 268.

(9) To pay the accrued interest payable under subsection (c) of section 2 (in respect of awards of the Mixed Claims Commission) and subsection (h) of section 3 (in respect of awards to German nationals);

Accrued interest on unpaid awards.

(10) To make such payments as are necessary (A) to repay the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the Trading with the Enemy Act, as amended (relating to the investment of 20 per centum of German property temporarily withheld), (B) to pay amounts equal to the difference between the aggregate payments (in respect of claims of German nationals) authorized by subsections (g) and (h) of section 3 and the amounts previously paid in respect thereof, and (C) to pay amounts equal to the difference between the aggregate payments (in respect of awards of the Mixed Claims Commission) authorized by subsections (b) and (c) of section 2, and the amounts previously paid in respect thereof. If funds available are not sufficient to make the total payments authorized by this paragraph, the amount of

Repay investments in participating certificates.

Difference between German claims and prior payments thereof.

Difference between total of Commission awards and prior payments thereof.

Apportionment, if funds insufficient.

Repay investment of unallocated interest fund.

Limit.

Post, p. 273.

Pay into Treasury awards to United States.

Funds left in German special deposit.

Availability of awards of Arbitrator.

Allowance for expenses from German special deposit.

Investment of special deposit in Federal securities.

Deduction from award to an American of debt paid by Custodian not credited by Claims Commission.

American claims against Austria and Hungary.

Awards of Tripartite Claims Commission to be certified to Secretary of Treasury.

Vol. 44, p. 2213.

Payment of awards.

Payments only from Austrian or Hungarian special deposits.

payments made from time to time shall be apportioned among the payments authorized under clauses (A), (B), and (C) according to the aggregate amount remaining unpaid under each clause;

(11) To make such payments as are necessary to repay the amounts invested by the Alien Property Custodian under subsection (b) of section 25 of the Trading with the Enemy Act, as amended (relating to the investment of the unallocated interest fund); but the amount payable under this paragraph shall not exceed the aggregate amount allocated to the trusts described in subsection (c) of section 26 of such Act;

(12) To pay into the Treasury as miscellaneous receipts the amount of the awards of the Mixed Claims Commission to the United States on its own behalf on account of claims of the United States against Germany; and

(13) To pay into the Treasury as miscellaneous receipts any funds remaining in the German special deposit account after the payments authorized by paragraphs (1) to (12) have been completed.

(d) 50 per centum of the amounts appropriated under the authority of section 3 (relating to claims of German nationals) shall be available for payments under paragraphs (6) and (7) of subsection (c) of this section (relating to such claims) and shall be available only for such payments until such time as the payments authorized by such paragraphs have been completed.

(e) The Secretary of the Treasury is authorized to pay, from funds in the German special deposit account, such amounts, not in excess of \$25,000 per annum, as may be necessary for the payment of the expenses in carrying out the provisions of this section and section 25 of the Trading with the Enemy Act, as amended (relating to the investment of funds by the Alien Property Custodian), including personal services at the seat of government.

(f) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States any of the funds in the German special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

(g) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the Mixed Claims Commission in making its award.

CLAIMS OF UNITED STATES AND ITS NATIONALS AGAINST AUSTRIA AND HUNGARY

SEC. 5. (a) The Commissioner of the Tripartite Claims Commission (hereinafter referred to as the "Commissioner") selected in pursuance of the agreement of November 26, 1924, between the United States and Austria and Hungary shall, from time to time, certify to the Secretary of the Treasury the judgments and interlocutory judgments (hereinafter referred to as "awards") of the Commissioner.

(b) The Secretary of the Treasury is authorized and directed to pay (1) in the case of any such judgment, an amount equal to the principal thereof, plus the interest thereon in accordance with such judgment, and (2) in the case of any such interlocutory judgment, an amount equal to the principal thereof (converted at the rate of exchange specified in the certificate of the Commissioner provided for in section 7), plus the interest thereon in accordance with such certificate.

(c) The payments authorized by subsection (b) shall be made in accordance with such regulations as the Secretary of the Treasury

may prescribe, but only out of the special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.

(d) There shall be deducted from the amount of each payment, as reimbursement for expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per centum thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts.

(e) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall be payable under this section.

(f) No payment shall be made under this section (other than payments to the United States in respect of claims of the United States on its own behalf) unless application therefor is made within two years after the date of the enactment of this Act in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made except in the cases specified in paragraphs (1) to (4) of subsection (g) of section 2.

(g) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this Act.

CLAIMS OF AUSTRIAN AND HUNGARIAN NATIONALS AGAINST THE UNITED STATES

SEC. 6. (a) It shall be the duty of the Arbiter, within the limitations hereinafter prescribed, to hear the claims of any Austrian or Hungarian national (as hereinafter defined) and to determine the compensation to be paid by the United States, in respect of—

(1) Any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the Trading with the Enemy Act, as amended).

(2) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by, the Alien Property Custodian, but not including any use during any period between December 7, 1917, and November 3, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special, available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

(b) The proceedings of the Arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The Arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the Arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the Arbiter or any such referee at any place within or without the United States may be paid the

Post, p. 265.

Expenses to be deducted, etc.

Deposit in Treasury.

Awards to United States included.

Time limit required for making applications, etc.

Payments restricted.

Ante, p. 255.

Consent to provisions by applicants assumed.

Austrian and Hungarian claims against United States.

Compensation for designated claims to be determined by Arbiter.

Patents, etc., sold to United States by Custodian.

Determination of compensation.

Prior payments deducted.
Exception.
Post p. 274.

Use by United States of patented inventions, etc., conveyed by Custodian.

Period excluded.

Defenses available.

Authority of Arbiter.

Hearings, etc.

Witness fees, etc., payable from special deposit accounts.

Tentative award to each claimant of fair compensation, with interest.	same fees and mileage as witnesses in courts of the United States. Such payments may be made in advance, and may be made in the first instance out of the German special deposit account, subject to reimbursement from the special deposit account (Austrian or Hungarian, as the case may be) hereinafter provided for.
Interest period.	(c) The Arbiter shall, upon the determination by him of the fair compensation in respect of all such patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest, at the rate of 5 per centum per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive.
Total amount limited. Expenses and prior payments deducted.	(d) The total amount to be awarded under this section shall not exceed \$1,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the term of office of the Arbiter) and (2) the aggregate consideration paid by the United States in respect of the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the Trading with the Enemy Act, as amended).
Exception.	(e) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (d), the Arbiter shall reduce pro rata the amount of each tentative award. The Arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.
Post, p. 274.	(f) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under subsection (e), together with simple interest thereon, at the rate of 5 per centum per annum, beginning January 1, 1929, until paid.
Pro rata reduction if awards exceed total.	(g) The payments authorized by subsection (f) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.
Awards to be certified.	(h) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Austria or in Hungary, and either in money of the United States or in lawful Austrian or Hungarian money (as the case may be), and shall be made only to the person on behalf of whom the award was made, except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3.
Payments directed.	(i) The provisions of subsections (l), (m), and (o) of section 3 shall be applicable in carrying out the provisions of this section, except that the expenditures in carrying out the provisions of section 3 and this section shall be allocated (as nearly as may be) by the Arbiter and paid, in accordance with such allocation, out of the German special deposit account created by section 4 or the special deposit account (Austrian or Hungarian, as the case may be) created by section 7. Such payments may be made in the first instance out of the German special deposit account, subject to reimbursement from the Austrian or the Hungarian special deposit account in appropriate cases.
Regulations for paying from special deposits accounts.	(j) There is hereby authorized to be appropriated, to remain available until expended, such amount, not in excess of \$1,000,000, as may be necessary for carrying out the provisions of this section.
Post, p. 265.	
Time limit for making applications.	
Manner of payment.	
Direct to beneficiaries.	
Ante, p. 258.	
Allocation of expenses from special deposits.	
If from German deposit to be reimbursed from Austrian or Hungarian.	
Appropriation authorized.	

(k) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this Act.

Provisions exclusive method or presenting claims.

Consent of claimant assumed.

(1) If the aggregate amount to be awarded in respect of any patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the Arbiter as he determines to be just and equitable and as the interests of the claimants may appear.

Apportionment of awards to two or more claims.

AUSTRIAN AND HUNGARIAN SPECIAL DEPOSIT ACCOUNTS

SEC. 7. (a) There are hereby created in the Treasury an Austrian special deposit account and an Hungarian special deposit account, into which, respectively, shall be deposited all funds hereinafter specified and from which, respectively, shall be disbursed all payments and expenditures authorized by section 5 or 6 or this section.

Austrian and Hungarian special deposits accounts.
Created of funds in the Treasury.

(b) The Secretary of the Treasury is authorized and directed to deposit in the Austrian or the Hungarian special deposit account, as the case may be—

Sources.

(1) The respective amounts appropriated under the authority of section 6 (patent claims of Austrian and Hungarian nationals);

Appropriations for Austrian and Hungarian patent claims.

(2) The respective sums transferred by the Alien Property Custodian, under the provisions of subsection (g) of section 25 of the Trading with the Enemy Act, as amended (property of Austrian and Hungarian Governments);

Moneys, etc., of Austrian and Hungarian Governments transferred by Custodian.
Post, p. 269.

(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this Act, by the United States in respect of claims of the United States against Austria or Hungary, as the case may be, on account of awards of the Commissioner.

Money received for American claims against Austria or Hungary.

(c) The Secretary of the Treasury is authorized and directed, out of the funds in the Austrian or the Hungarian special deposit account, as the case may be, subject to the provisions of subsections (d) and (e)—

Payments directed.

(1) To make the payments of expenses of administration authorized by section 6 or this section;

Administration expenses.

(2) To make the payments authorized by subsection (b) of section 5 (relating to awards of the Tripartite Claims Commission); and

Awards of American claims.

(3) To make the payments of the awards of the Arbiter, together with interest thereon, as provided by section 6 (relating to claims of Austrian and Hungarian nationals).

Awards to Austrians and Hungarians.

(d) No payment shall be made in respect of any award of the Commissioner against Austria or of the Arbiter on behalf of an Austrian national, nor shall any money or other property be returned under paragraph (15), (17), (18), or (19) of subsection (b) of section 9 of the Trading with the Enemy Act, as amended (relating to the return of money and other property by the Alien Property Custodian to Austrian nationals), prior to the date upon which the Commissioner certifies to the Secretary of the Treasury—

No Austrian payments, etc., prior to certificate from Commissioner.
Post, p. 270.

(1) That the amounts deposited in the Austrian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Austrian Government or property of a corporation all the stock of which was owned by the Austrian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Austria on account of awards

That Austrian special deposit account sufficient to pay awards.

Ante, p. 262.

Rate of exchange for interlocutory judgments to be fixed.

No Hungarian payments, etc., prior to certificate from Commissioner.

That Hungarian special deposit account is sufficient to pay awards.

Ante, p. 262.

Rate of exchange for interlocutory judgments to be fixed.

Payment of administration expenses.

Investment of special deposits in Federal securities.

Deductions from American awards of debts paid by Custodian, etc.

Awards to United States to be paid into the Treasury.

Disposal of amounts remaining in deposits.

of the Commissioner) are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Austria; and

(2) In respect of interlocutory judgments entered by the Commissioner, the rate of exchange at which such interlocutory judgments shall be converted into money of the United States and the rate of interest applicable to such judgments and the period during which such interest shall run. The Commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within thirty days after the enactment of this Act.

(e) No payment shall be made in respect of any award of the Commissioner against Hungary or of the Arbiter on behalf of an Hungarian national, nor shall any money or other property be returned under paragraph (15), (20), (21), or (22) of subsection (b) of section 9 of the Trading with the Enemy Act, as amended by this Act (relating to the return of money and other property by the Alien Property Custodian to Hungarian nationals), prior to the date upon which the Commissioner certifies to the Secretary of the Treasury—

(1) That the amounts deposited in the Hungarian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Hungarian Government or property of a corporation all the stock of which was owned by the Hungarian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Hungary on account of awards of the Commissioner), are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Hungary; and

(2) In respect of interlocutory judgments entered by the Commissioner, the rate of exchange at which such interlocutory judgments shall be converted into money of the United States and the rate of interest applicable to such judgments and the period during which such interest shall run. The Commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within thirty days after the enactment of this Act.

(f) Amounts available under subsection (e) of section 4 (relating to payment of expenses of administration) shall be available for the payment of expenses in carrying out the provisions of this section, including personal services at the seat of government.

(g) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States, any of the funds in the Austrian or the Hungarian special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

(h) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt, the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the Commissioner in making his award.

(i) The payments of the awards of the Commissioner to the United States on its own behalf, on account of claims of the United States against Austria or Hungary, shall be paid into the Treasury as miscellaneous receipts.

(j) Any amount remaining in the Austrian or the Hungarian special deposit account after all the payments authorized to be made therefrom have been completed shall be disposed of as follows:

(1) There shall first be paid into the Treasury as miscellaneous receipts the respective amount, if any, by which the appropriations made under the authority of section 6 and deposited in such special deposit account exceed the payments authorized by such section; and

(2) The remainder shall be refunded to Austria or Hungary, as their respective interests may appear.

Into the Treasury, if amount received exceeds payments authorized.

Refund of remainder.

FINALITY OF DECISIONS

SEC. 8. (a) Notwithstanding the provisions of section 236 of the Revised Statutes, as amended, the decisions of the Secretary of the Treasury in respect of the funds to be paid into the German, the Austrian, or the Hungarian special deposit account and of the payments therefrom, shall be final and conclusive, and shall not be subject to review by any other officer of the United States, except that payments made under authority of subsection (c) or (m) of section 3 or subsection (e) of section 4 or subsection (f) of section 7 (relating to expenses of administration) shall be accounted for and settled without regard to the provisions of this subsection.

(b) The Secretary of the Treasury, in his annual report to the Congress, shall include a detailed statement of all expenditures made in carrying out the provisions of this Act.

Decisions of the Secretary.

Decisions in respect to special funds not subject to review by any other officer.
R. S., sec. 236, p. 39.
Vol. 42, p. 24

Administration accounts excepted.

Report of all expenditures to Congress.

EXCESSIVE FEES PROHIBITED

SEC. 9. (a) The Arbiter, the Commissioner of the Mixed Claims Commission appointed by the United States, and the Commissioner of the Tripartite Claims Commission, respectively, are authorized (upon request as hereinafter provided) to fix reasonable fees (whether or not fixed under any contract or agreement) for services in connection with the proceedings before the Arbiter and the Mixed Claims Commission and the Tripartite Claims Commission, respectively, and with the preparations therefor, and the application for payment, and the payment, of any amount under section 2, 3, 5, or 6. Each such official is authorized and requested to mail to each claimant in proceedings before him or the commission, as the case may be, notice (in English, German, or Hungarian) of the provisions of this section. No fee shall be fixed under this subsection unless written request therefor is filed with such official before the expiration of ninety days after the date of mailing of such notice. In the case of nationals of Germany, Austria, and Hungary, such notice may be mailed to, and the written request may be filed by, the duly accredited diplomatic representative of such nation.

(b) After a fee has been fixed under subsection (a), any person accepting any consideration (whether or not under a contract or agreement entered into prior to the enactment of this Act) the aggregate value of which (when added to any consideration previously received) is in excess of the amount so fixed, for services in connection with the proceedings before the Arbiter or Mixed Claims Commission or Tripartite Claims Commission, or any preparations therefor, or with the application for payment, or the payment, of any amount under section 2, 3, 5, or 6, shall, upon conviction thereof, be punished by a fine of not more than four times the aggregate value of the consideration accepted by such person therefor.

(c) Section 20 of the Trading with the Enemy Act, as amended, is amended by inserting after the word "attorney" wherever it appears in such section the words "at law or in fact".

Attorneys' fees.

Reasonable fees for services to be fixed by Arbiter and Claims Commissioner.

Notice to claimants.

Written request, to be filed.

Punishment for accepting excess fees.

Amount of fine.

Meaning of attorney, extended.
Vol. 42, p. 1515.

Investment of funds.

INVESTMENT OF FUNDS BY ALIEN PROPERTY CUSTODIAN

Trading with Enemy Act.

New section.
Vol. 42, p. 1516,
amended.

Participating certificates.

Amount of funds held by Custodian to be invested in.

Credit of temporarily postponed returned trusts.

Investment of excess.

If investment in excess of credited amount, to be paid from German special deposit.

Ante, p. 260.

Priority.

Investment from unallocated interest fund.

Post, p. 274.

Designated amount.
Additional if amount allocated to trusts is in excess thereof.

Correction if less.

Balance remaining after investment and payments.

Post, p. 273.

If interest fund insufficient, balance to be paid from German special deposit.

Ante, p. 260.

Priority given.

Transfer of all money, etc., owned by the German Government, to special deposit.

SEC. 10. The Trading with the Enemy Act, as amended, is amended by adding thereto the following new section:

"SEC. 25. (a) (1) The Alien Property Custodian is authorized and directed to invest, from time to time upon the request of the Secretary of the Treasury, out of the funds held by the Alien Property Custodian or by the Treasurer of the United States for the Alien Property Custodian, an amount not to exceed \$40,000,000 in the aggregate, in one or more participating certificates issued by the Secretary of the Treasury in accordance with the provisions of this section.

"(2) When in the case of any trust written consent under subsection (m) of section 9 has been filed, an amount equal to the portion of such trust the return of which is temporarily postponed under such subsection shall be credited against the investment made under paragraph (1) of this subsection. If the total amount so credited is in excess of the amount invested under paragraph (1) of this subsection, the excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection, without regard to the \$40,000,000 limitation in paragraph (1). If the amount invested under paragraph (1) of this subsection is in excess of the total amount so credited, such excess shall, from time to time on request of the Alien Property Custodian, be paid to him out of the funds in the German special deposit account created by section 4 of the Settlement of War Claims Act of 1928, and such payments shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration).

"(b) The Alien Property Custodian is authorized and directed to invest, in one or more participating certificates issued by the Secretary of the Treasury, out of the unallocated interest fund, as defined in section 28—

"(1) The sum of \$25,000,000. If, after the allocation under section 26 has been made, the amount of the unallocated interest fund allocated to the trusts described in subsection (c) of such section is found to be in excess of \$25,000,000, such excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection. If the amount so allocated is found to be less than \$25,000,000 any participating certificate or certificates that have been issued shall be corrected accordingly; and

"(2) The balance of such unallocated interest fund remaining after the investment provided for in paragraph (1) and the payment of allocated earnings in accordance with the provisions of subsection (b) of section 26 have been made.

"(c) If the amount of such unallocated interest fund, remaining after the investment required by paragraph (1) of subsection (b) of this section has been made, is insufficient to pay the allocated earnings in accordance with subsection (b) of section 26, then the amount necessary to make up the deficiency shall be paid out of the funds in the German special deposit account created by section 4 of the Settlement of War Claims Act of 1928, and such payment shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration) and the payments under paragraph (2) of subsection (a) of this section.

"(d) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in such special deposit account, all money and the proceeds of all property, including all

income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the German Government or any member of the former ruling family. All money and other property shall be held to be owned by the German Government (1) if no claim thereto has been filed with the Alien Property Custodian prior to the expiration of one year from the date of the enactment of the Settlement of War Claims Act of 1928, or (2) if any claim has been filed before the expiration of such period (whether before or after the enactment of such Act), then if the ownership thereof under any such claim is not established by a decision of the Alien Property Custodian or by suit in court instituted, under section 9, within one year after the decision of the Alien Property Custodian, or after the date of the enactment of the Settlement of War Claims Act of 1928, whichever date is later. The amounts so transferred under this subsection shall be credited upon the final payment due the United States from the German Government on account of the awards of the Mixed Claims Commission.

"(e) The Secretary of the Treasury is authorized and directed to issue to the Alien Property Custodian, upon such terms and conditions and under such regulations as the Secretary of the Treasury may prescribe, one or more participating certificates, bearing interest payable annually (as nearly as may be) at the rate of 5 per centum per annum, as evidence of the investment by the Alien Property Custodian under subsection (a), and one or more non-interest-bearing participating certificates, as evidence of the investment by the Alien Property Custodian under subsection (b). All such certificates shall evidence a participating interest, in accordance with, and subject to the priorities of, the provisions of section 4 of the Settlement of War Claims Act of 1928, in the funds in the German special deposit account created by such section, except that—

"(1) The United States shall assume no liability, directly or indirectly, for the payment of any such certificates, or of the interest thereon, except out of funds in such special deposit account available therefor, and all such certificates shall so state on their face; and

"(2) Such certificates shall not be transferable, except that the Alien Property Custodian may transfer any such participating certificate evidencing the interest of a substantial number of the owners of the money invested, to a trustee duly appointed by such owners.

"(f) Any amount of principal or interest paid to the Alien Property Custodian in accordance with the provisions of subsection (c) of section 4 of the Settlement of War Claims Act of 1928 shall be allocated pro rata among the persons filing written consents under subsection (m) of section 9 of this Act, and the amounts so allocated shall be paid to such persons. If any person to whom any amount is payable under this subsection has died (or if, in the case of a partnership, association, or other unincorporated body of individuals, or a corporation, its existence has terminated), payment shall be made to the persons determined by the Alien Property Custodian to be entitled thereto.

"(g) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in the special deposit account (Austrian or Hungarian, as the case may be), created by section 7 of the Settlement of War Claims Act of 1928, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the Austrian Government or any corporation all the stock of which was owned by or on behalf of the Austrian Government (including the property of the Imperial Royal Tobacco Monopoly, also known

Property, etc., considered as owned by German Government.

Transfers credited to German payments.

Interest-bearing participating certificates for awards temporarily postponed.

Ante, p. 268.

Non-interest-bearing certificates for other awards.

Interest of, in German special deposit.

Certificates payable only from special deposit funds, no Federal liability assumed.

Transfers limited.

Payments allocated to persons consenting to receive 80 per cent of award.

Post, p. 272.

In case of death, etc.

All money and property proceeds of Austrian or Hungarian Governments to be deposited in special accounts.
Ante, p. 266.

under the name of K. K. Oesterreichische Tabak Regie), or owned by the Hungarian Government or by any corporation all the stock of which was owned by or on behalf of the Hungarian Government."

Return to Germans,
etc., of property held
by Custodian.

RETURN TO NATIONALS OF GERMANY, AUSTRIA, AND HUNGARY OF PROPERTY
HELD BY ALIEN PROPERTY CUSTODIAN

Additional returns of
property directed.
Vol. 42, p. 1513,
amended.

SEC. 11. Subsection (b) of section 9 of the Trading with the Enemy Act, as amended, is amended by striking out the punctuation at the end of paragraph (11) and inserting in lieu thereof a semicolon and the word "or" and inserting after paragraph (11) the following new paragraphs:

To partnerships, etc.,
entirely owned by
other than Austrians or
Hungarians.

"(12) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property, and has filed the written consent provided for in subsection (m); or

Condition.
Post, p. 272.

Partnerships, etc., in
business outside of Aus-
tria or Hungary.

"(13) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within any country other than Austria, Hungary, or Austria-Hungary, or a corporation organized or incorporated within any country other than Austria, Hungary, or Austria-Hungary, and that the written consent provided for in subsection (m) has been filed; or

Condition.

Individual Germans.

"(14) An individual who at such time was a citizen or subject of Germany or who, at the time of the return of any money or other property, is a citizen or subject of Germany or is not a citizen or subject of any nation, State, or free city, and that the written consent provided for in subsection (m) has been filed; or

Condition.

Austro-Hungarian
Bank to liquidators.

"(15) The Austro-Hungarian Bank, except that the money or other property thereof shall be returned only to the liquidators thereof; or

Persons consenting
to receive 80 per cent,
and having no suit
against United States,
etc.
Post, p. 272.

"(16) An individual, partnership, association, or other unincorporated body of individuals, or a corporation, and that the written consent provided for in subsection (m) has been filed, and that no suit or proceeding against the United States or any agency thereof is pending in respect of such return, and that such individual has filed a written waiver renouncing on behalf of himself, his heirs, successors, and assigns any claim based upon the fact that at the time of such return he was in fact entitled to such return under any other provision of this Act; or

Partnerships, etc.,
entirely owned by Aus-
trians.

"(17) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Austria and is so owned at the time of the return of its money or other property; or

Partnerships, etc.,
with principal business
in Austria.

"(18) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Austria, or a corporation organized or incorporated within Austria; or

Individual Aus-
trians.

"(19) An individual who at such time was a citizen of Austria or who, at the time of the return of any money or other property, is a citizen of Austria; or

Partnerships, etc.,
entirely owned by
Hungarians.

"(20) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Hungary and is so owned at the time of the return of its money or other property; or

Partnerships, etc.,
with principal business
in Hungary.

"(21) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Hungary, or a corporation organized or incorporated within Hungary; or

"(22) An individual who at such time was a citizen of Hungary or who, at the time of the return of any money or other property, is a citizen of Hungary;—"

SEC. 12. (a) Subsection (d) of section 9 of the Trading with the Enemy Act, as amended, is amended to read as follows:

"(d) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property without filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution directly to the persons entitled thereto. Return in accordance with the provisions of this subsection may be made in any case where an application or court proceeding by any legal representative, under the provisions of this subsection before its amendment by the Settlement of War Claims Act of 1928, is pending and undetermined at the time of the enactment of such Act. All bonds or other security given under the provisions of this subsection before such amendment shall be canceled or released and all sureties thereon discharged."

(b) Subsection (e) of section 9 of the Trading with the Enemy Act, as amended, is amended by striking out the period at the end thereof and inserting a semicolon and the following: "nor shall a debt be allowed under this section unless notice of the claim has been filed, or application therefor has been made, prior to the date of the enactment of the Settlement of War Claims Act of 1928."

(c) Subsection (g) of section 9 of the Trading with the Enemy Act, as amended, is amended to read as follows:

"(g) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property upon filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned, upon filing the written consent provided for in subsection (m), to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution to the persons entitled thereto. This subsection shall not be construed as extinguishing or diminishing any right which any citizen of the United States may have had under this subsection prior to its amendment by the Settlement of War Claims Act of 1928 to receive in full his interest in the property of any individual dying before such amendment."

SEC. 13. Subsections (j) and (k) of section 9 of the Trading with the Enemy Act, as amended, are amended so as to comprise three subsections, to read as follows:

"(j) The Alien Property Custodian is authorized and directed to return to the person entitled thereto, whether or not an enemy or ally of enemy and regardless of the value, any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which was conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, and which has not been sold, licensed, or otherwise disposed of under the provisions of this Act, and to return any such patent, trade-mark, print, label, copyright, or right therein or claim thereto, which has been licensed, except that any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which is returned by the Alien Property Custodian and

Individual Hungarians.

Vol. 42, p. 1514, amended.

Property of decedents.

Return to legal representatives without filing 20 per cent reduction consent.

Application to pending claims.

Securities to be returned.

Returns to nationals of allies.

Vol. 42, p. 1514, amended.

Prior notice of claim required to be filed.

Vol. 42, p. 1515, amended.

Return to legal representative of deceased person on filing 20 per cent reduction, consent.

No prior right affected.

Patents, etc. Vol. 42, p. 1515, amended.

Return of patents, etc., not sold, etc.

If licensed, etc.

Subject to license,
etc.

Application to pat-
ents of Austrians and
Hungarians.

Royalties under de-
cree of court to be paid.
Vol. 40, p. 421.
Exception.

New subsections.
Vol. 42, p. 1515,
amended.

Returns to Germans,
etc., only on filing con-
sent to 20 per cent tem-
porary postponement.

Amount to be de-
ducted from money,
proceeds of sales of
property, etc.

Return of retained
amount.
Ante, p. 269.

Provisions for sales of
property.

If a return less than
\$2,000, no reduction
consent required.

Return to owner, by
assignment, of securi-
ties, etc., rights to
which, but not actual
transfer, conveyed to
Custodian.

Recognition of as-
signment, etc.

which has been licensed, or in respect of which any contract has been entered into, or which is subject to any lien or encumbrance, shall be returned subject to the license, contract, lien, or encumbrance.

"(k) Except as provided in section 27, paragraphs (12) to (22), both inclusive, of subsection (b) of this section shall apply to the proceeds received from the sale, license, or other disposition of any patent, trade-mark, print, label, copyright, or right therein or claim thereto, conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him.

"(l) This section shall apply to royalties paid to the Alien Property Custodian, in accordance with a judgment or decree in a suit brought under subsection (f) of section 10; but shall not apply to any other money paid to the Alien Property Custodian under section 10."

SEC. 14. Section 9 of the Trading with the Enemy Act, as amended, is amended by adding at the end thereof the following new subsections:

"(m) No money or other property shall be returned under paragraph (12), (13), (14), or (16) of subsection (b) or under subsection (g) or (n) or (to the extent therein provided) under subsection (p), unless the person entitled thereto files a written consent to a postponement of the return of an amount equal to 20 per centum of the aggregate value of such money or other property (at the time, as nearly as may be, of the return), as determined by the Alien Property Custodian, and the investment of such amount in accordance with the provisions of section 25. Such amount shall be deducted from the money to be returned to such person, so far as possible, and the balance shall be deducted from the proceeds of the sale of so much of the property as may be necessary, unless such person pays the balance to the Alien Property Custodian, except that no property shall be so sold prior to the expiration of six years from the date of the enactment of the Settlement of War Claims Act of 1928 without the consent of the person entitled thereto. The amounts so deducted shall be returned to the persons entitled thereto as provided in subsection (f) of section 25. The sale of any such property shall be made in accordance with the provisions of section 12, except that the provisions of such section relating to sales or resales to, or for the benefit of, citizens of the United States shall not be applicable. If such aggregate value of the money or other property to be returned under paragraph (12), (13), (14), or (16) of subsection (b) or under subsection (g) is less than \$2,000, then the written consent shall not be required and the money or other property shall be returned in full without the temporary retention and investment of 20 per centum thereof.

"(n) In the case of property consisting of stock or other interest in any corporation, association, company, or trust, or of bonded or other indebtedness thereof, evidenced by certificates of stock or by bonds or by other certificates of interest therein or indebtedness thereof, or consisting of dividends or interest or other accruals thereon, where the right, title, and interest in the property (but not the actual certificate or bond or other certificate of interest or indebtedness) was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, if the President determines that the owner thereof or of any interest therein has acquired such ownership by assignment, transfer, or sale of such certificate or bond or other certificate of interest or indebtedness, (it being the intent of this subsection that such assignment, transfer, or sale shall not be deemed invalid hereunder by reason of such conveyance, transfer, assignment, delivery, or payment to the Alien Property

Custodian or seizure by him) and that the written consent provided for in subsection (m) has been filed, then the President may make in respect of such property an order of the same character, upon the same conditions, and with the same effect, as in cases provided for in subsection (b), including the benefits of subsection (c).

"(o) The provisions of paragraph (12), (13), (14), (17), (18), (19), (20), (21), or (22) of subsection (b), or of subsection (m) or (n) of this section, and (except to the extent therein provided) the provisions of paragraph (16) of subsection (b), shall not be construed as diminishing or extinguishing any right under any other provision of this Act in force immediately prior to the enactment of the Settlement of War Claims Act of 1928.

"(p) The Alien Property Custodian shall transfer the money or other property in the trust of any partnership, association, or other unincorporated body of individuals, or corporation, the existence of which has terminated, to trusts in the names of the persons (including the German Government and members of the former ruling family) who have succeeded to its claim or interest; and the provisions of subsection (a) of this section relating to the collection of a debt (by order of the President or of a court) out of money or other property held by the Alien Property Custodian or the Treasurer of the United States shall be applicable to the debts of such successor and any such debt may be collected out of the money or other property in any of such trusts if not returnable under subsection (a) of this section. Subject to the above provisions as to the collection of debts, each such successor (except the German Government and members of the former ruling family) may proceed for the return of the amount so transferred to his trust, in the same manner as such partnership, association, or other unincorporated body of individuals, or corporation might proceed if still in existence. If such partnership, association, or other unincorporated body of individuals, or corporation, would have been entitled to the return of its money or other property only upon filing the written consent provided for in subsection (m), then the successor shall be entitled to the return under this subsection only upon filing such written consent.

"(q) The return of money or other property under paragraph (15), (17), (18), (19), (20), (21), or (22) of subsection (b) (relating to the return to Austrian and Hungarian nationals) shall be subject to the limitations imposed by subsections (d) and (e) of section 7 of the Settlement of War Claims Act of 1928."

SEC. 15. The Trading with the Enemy Act, as amended, is amended by adding thereto the following new sections:

"SEC. 26. (a) The Alien Property Custodian shall allocate among the various trusts the funds in the 'unallocated interest fund' (as defined in section 28). Such allocation shall be based upon the average rate of earnings (determined by the Secretary of the Treasury) on the total amounts deposited under section 12.

"(b) The Alien Property Custodian, when the allocation has been made, is authorized and directed to pay to each person entitled, in accordance with a final decision of a court of the United States or of the District of Columbia, or of an opinion of the Attorney General, to the distribution of any portion of such unallocated interest fund, the amount allocated to his trust, except as provided in subsection (c) of this section.

"(c) In the case of persons entitled, under paragraph (12), (13), (14), or (16) of subsection (b) of section 9, to such return, and in the case of persons who would be entitled to such return thereunder if all such money or property had not been returned under paragraph (9) or (10) of such subsection, and in the case of persons entitled to such

Consent to 20 per cent temporary reduction, to be filed.

Transfers to Germans, Austrians, and Hungarians not to diminish prior rights.

Transfer in trust, in name of successor in interest of claim.

Applicable to debts of successor.

Provisions for returns by successor.

Limitation, if 20 per cent temporary reduction required.

Returns to Austrians and Hungarians, limited to special deposits provisions.

Ante, p. 265.

New sections.

Unallocated interest fund to be allocated among the trusts.

Basis of.

Ante, p. 271.

Payments to persons entitled by decision of a court, etc.

Amount allocated to Germans, etc., to be credited against interest-bearing participating certificate.

Ante, p. 268.

Distribution pro rata
of amounts repaid.

Fund available for
expenses, etc.

Amounts paid by
United States for pat-
ents, etc., to be re-
turned.

Unallocated interest
fund.
Constituted by ac-
cumulation of earnings
and profits of invest-
ments.

Vol. 40, p. 423.

If demand has been
made for money, etc.,
of enemy, which would
be returnable under
this Act, the demand
may be waived, etc.

No waiver unless
approved by Attorney
General.

Unless written con-
sent filed for 20 per
cent temporary reduc-
tion.

Ante, p. 272.

Waiver of demand
for property not re-
ceived by Custodian.

return under subsection (n) of section 9, an amount equal to the aggregate amount allocated to their trusts shall be credited against the sum of \$25,000,000 invested in participating certificates under paragraph (1) of subsection (b) of section 25. If the aggregate amount so allocated is in excess of \$25,000,000, an amount equal to the excess shall be invested in the same manner. Upon the repayment of any of the amounts so invested, under the provisions of section 4 of the Settlement of War Claims Act of 1928, the amount so repaid shall be distributed pro rata among such persons, notwithstanding any receipts or releases given by them.

"(d) The unallocated interest fund shall be available for carrying out the provisions of this section, including the expenses of making the allocation.

"SEC. 27. The Alien Property Custodian is authorized and directed to return to the United States any consideration paid to him by the United States under any license, assignment, or sale by the Alien Property Custodian to the United States of any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application).

"SEC. 28. As used in this Act, the term 'unallocated interest fund' means the sum of (1) the earnings and profits accumulated prior to March 4, 1923, and attributable to investments and reinvestments under section 12 by the Secretary of the Treasury, plus (2) the earnings and profits accumulated on or after March 4, 1923, in respect of the earnings and profits referred to in clause (1) of this section.

"SEC. 29. (a) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the whole or any part of such money or other property would, if conveyed, transferred, assigned, delivered, or paid to him, be returnable under any provision of this Act, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand or requirement, or accept in full satisfaction of such demand, requirement, judgment, or decree, a less amount than that demanded or required by him.

"(b) The Alien Property Custodian shall not make any such waiver or compromise except with the approval of the Attorney General; nor (if any part of such money or property would be returnable only upon the filing of the written consent required by subsection (m) of section 9) unless, after compliance with the terms and conditions of such waiver or compromise, the Alien Property Custodian or the Treasurer of the United States will hold (in respect of such enemy or ally of enemy) for investment as provided in section 25, an amount equal to 20 per centum of the sum of (1) the value of the money or other property held by the Alien Property Custodian or the Treasurer of the United States at the time of such waiver or compromise, plus (2) the value of the money or other property to which the Alien Property Custodian would be entitled under such demand or requirement if the waiver or compromise had not been made.

"(c) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or

decree in respect thereof has been made or entered) and where the interest or right of such enemy or ally of enemy in such money or property has not, prior to the enactment of the Settlement of War Claims Act of 1928, vested in enjoyment, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand and requirement, without compliance with the requirements of subsection (b) of this section, but only with the approval of the Attorney General.

"(d) Nothing in this section shall be construed as requiring the Alien Property Custodian to make any waiver or compromise authorized by this section, and the Alien Property Custodian may proceed in respect of any demand or requirement referred to in subsection (a) or (c) as if this section had not been enacted.

"(e) All money or other property received by the Alien Property Custodian as a result of any action or proceeding (whether begun before or after the enactment of the Settlement of War Claims Act of 1928, and whether or not for the enforcement of a demand or requirement as above specified) shall for the purposes of this Act be considered as forming a part of the trust in respect of which such action or proceeding was brought, and shall be subject to return in the same manner and upon the same conditions as any other money or property in such trust, except as otherwise provided in subsection (b) of this section.

"SEC. 30. Any money or other property returnable under subsection (b) or (n) of section 9 shall, at any time prior to such return, be subject to attachment in accordance with the provisions of the code of law for the District of Columbia, as amended, relating to attachments in suits at law and to attachments for the enforcement of judgments at law and decrees in equity, but any writ of attachment or garnishment issuing in any such suit, or for the enforcement of any judgment or decree, shall be served only upon the Alien Property Custodian, who shall for the purposes of this section be considered as holding credits in favor of the person entitled to such return to the extent of the value of the money or other property so returnable. Nothing in this section shall be construed as authorizing the taking of actual possession, by any officer of any court, of any money or other property held by the Alien Property Custodian or by the Treasurer of the United States.

"SEC. 31. As used in this Act, the term 'member of the former ruling family' means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person."

FUGITIVES FROM JUSTICE

SEC. 16. Section 22 of the Trading with the Enemy Act, as amended, is amended to read as follows:

"SEC. 22. No person shall be entitled to the return of any property or money under any provision of this Act, or any amendment of this Act, who is a fugitive from justice of the United States or any State or Territory thereof, or the District of Columbia."

RETURN OF INCOME

SEC. 17. Section 23 of the Trading with the Enemy Act, as amended, is amended to read as follows:

"SEC. 23. The Alien Property Custodian is directed to pay to the person entitled thereto, from and after March 4, 1923, the net income (including dividends, interest, annuities, and other earnings), accruing and collected thereafter, in respect of any money or prop-

Waiver, etc., not required.

Money, etc., received by Custodian, resulting from any action, considered as part of a trust to be returned.

Returnable property subject to attachments.

Service upon Custodian.

Taking actual possession by court officer not authorized.

Member of the former ruling family.
Term defined.

Fugitives from justice.
Vol. 42, p. 1516, amended.
No return of property, etc., to.

Return of income.

Vol. 42, p. 1516, amended.

Payment to persons entitled to income of property held in trust by Custodian.

erty held in trust for such person by the Alien Property Custodian or by the Treasurer of the United States for the account of the Alien Property Custodian, under such rules and regulations as the President may prescribe."

Taxes.

TAXES

Payment of, by Custodian.
Vol. 42, p. 1516, amended.

New matter.

Computation and payment of income, etc., taxes, on property held by Custodian.

Return of money, etc., subject to tax liability.

Tax of 30 per cent on gain from sales of property, etc.

Determination of, as capital net gains.

Vol. 44, p. 19.

Sales by Custodian considered as involuntary conversions.

Laws applicable.

Date determined.

No penalty assessed on tax while property held by Custodian.

SEC. 18. Section 24 of the Trading with the Enemy Act, as amended, is amended by inserting "(a)" after the section number and by adding at the end of such section new subsections to read as follows:

"(b) In the case of income, war-profits, excess-profits, or estate taxes imposed by any Act of Congress, the amount thereof shall, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, be computed in the same manner (except as hereinafter in this section provided) as though the money or other property had not been seized by or paid to the Alien Property Custodian, and shall be paid, as far as practicable, in accordance with subsection (a) of this section. Pending final determination of the tax liability the Alien Property Custodian is authorized to return, in accordance with the provisions of this Act, money or other property in any trust in such amounts as may be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to be consistent with the prompt payment of the full amount of the internal-revenue taxes.

"(c) So much of the net income of a taxpayer for the taxable year 1917, or any succeeding taxable year, as represents the gain derived from the sale or exchange by the Alien Property Custodian of any property conveyed, transferred, assigned, delivered, or paid to him, or seized by him, may at the option of the taxpayer be segregated from the net income and separately taxed at the rate of 30 per centum. This subsection shall be applied and the amount of net income to be so segregated shall be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, as nearly as may be in the same manner as provided in section 208 of the Revenue Act of 1926 (relating to capital net gains), but without regard to the period for which the property was held by the Alien Property Custodian before its sale or exchange, and whether or not the taxpayer is an individual.

"(d) Any property sold or exchanged by the Alien Property Custodian (whether before or after the date of the enactment of the Settlement of War Claims Act of 1928) shall be considered as having been compulsorily or involuntarily converted, within the meaning of the income, excess-profits, and war-profits tax laws and regulations; and the provisions of such laws and regulations relating to such a conversion shall (under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury) apply in the case of the proceeds of such sale or exchange. For the purpose of determining whether the proceeds of such conversion have been expended within such time as will entitle the taxpayer to the benefits of such laws and regulations relating to such a conversion, the date of the return of the proceeds to the person entitled thereto shall be considered as the date of the conversion.

"(e) In case of any internal-revenue tax imposed in respect of property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, and imposed in respect of any period (in the taxable year 1917 or any succeeding taxable year) during which such property was held by him or by the Treasurer of the United States, no interest or civil penalty shall be assessed

upon, collected from, or paid by or on behalf of, the taxpayer; nor shall any interest be credited or paid to the taxpayer in respect of any credit or refund allowed or made in respect of such tax.

No refund, etc.

"(f) The benefits of subsections (c), (d), and (e) shall be extended to the taxpayer if claim therefor is filed before the expiration of the period of limitations properly applicable thereto, or before the expiration of six months after the date of the enactment of the Settlement of War Claims Act of 1928, whichever date is the later. The benefits of subsection (d) shall also be extended to the taxpayer if claim therefor is filed before the expiration of six months after the return of the proceeds."

Benefits extended to taxpayer filing claim within stated period.

SEC. 19. Subsection (f) of section 10 of the Trading with the Enemy Act, as amended, is amended by adding at the end thereof the following new paragraph:

Patents, etc.
Vol. 40, p. 422, amended.

"In the case of any such patent, trade-mark, print, label, or copyright, conveyed, assigned, transferred, or delivered to the Alien Property Custodian or seized by him, any suit brought under this subsection, within the time limited therein, shall be considered as having been brought by the owner within the meaning of this subsection, in so far as such suit relates to royalties for the period prior to the sale by the Alien Property Custodian of such patent, trade-mark, print, label, or copyright, if brought either by the Alien Property Custodian or by the person who was the owner thereof immediately prior to the date such patent, trade-mark, print, label, or copyright was seized or otherwise acquired by the Alien Property Custodian."

Status of suits brought on royalties, for patents, etc., held by Custodian.

SEC. 20. The proviso of paragraph (10) of subsection (b) of section 9 of the Trading with the Enemy Act, as amended (relating to the return to certain insurance companies), is repealed.

Restriction on return to insurance companies repealed.
Vol. 42, p. 1513, repealed.

SHIP CLAIMS OF FORMER GERMAN NATIONALS

Ship claims of former German nationals.

SEC. 21. (a) It shall be the duty of the Arbiter to hear the claims of any partnership, association, joint-stock company, or corporation, and to determine the amount of compensation to be paid to it by the United States, in respect of the merchant vessels "Carl Diederichsen" and "Johanne" (including any equipment, appurtenances, and property contained therein), title to which was taken by or on behalf of the United States under the authority of the Joint Resolution of May 12, 1917, and which were subsequently sold by or on behalf of the United States. Such compensation shall be determined as provided in paragraph (1) of subsection (b) of section 3 of this Act, but the aggregate compensation shall not exceed, in the case of the "Carl Diederichsen," \$166,787.78 and in the case of the "Johanne," \$174,600 (such amounts being the price for which the vessels were sold, less the cost of reconditioning). The Arbiter shall not make any award under this section in respect of the claim of any partnership, association, joint-stock company, or corporation unless it appears to his satisfaction that all its members and stockholders who were, on April 6, 1917, citizens or subjects of Germany, became, by virtue of any treaty of peace or plebiscite held or further treaty concluded under such treaty of peace, citizens or subjects of any nation other than Germany, and that all its members and stockholders on the date of the enactment of this Act were on such date citizens or subjects of nations other than Germany.

Arbiter to hear claims for vessels "Carl Diederichsen" and "Johanne," taken by United States.

Determination of compensation.
Ante, p. 256.

Conditions if of ownership by Germans, when taken.

Claimants now of other nation than Germany.

(b) Upon the determination by him of such compensation the Arbiter shall enter an award in favor of such person of the amount of such compensation and shall certify such award to the Secretary of the Treasury. The amount of such award, together with interest thereon, at the rate of 5 per centum per annum, from July 2, 1921,

Award to be certified to Secretary of the Treasury.

Payment authorized.

- until the date of such payment, shall be paid by the Secretary of the Treasury, in accordance with such regulations as he may prescribe. There is authorized to be appropriated such amount as may be necessary to make such payment.
- Time limit for applying. (c) No payment shall be made in respect of any award under this section unless application therefor is made, within two years after the date such award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe, and payment shall be made only to the person on behalf of whom the award was made except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3. The provisions of subsections (c), (l), (m), (o), and (r) of section 3 shall be applicable in carrying out the provisions of this section.
- Restriction on payees. (d) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this Act. This subsection shall not bar the presentation of a claim under section 3 (relating to the ship claims of German nationals) in respect of the taking of the vessel "Carl Diederichsen" or the vessel "Johanne"; but no award shall be made under section 3 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.
- Ante, p. 253.
- Provisions, exclusive method for presenting and paying claims.
- Presenting other claim allowed. Ante, p. 250.
- Awards restricted.

Definitions.

DEFINITIONS

- Terms construed. SEC. 22. As used in this Act—
- "Person." (a) The term "person" means an individual, partnership, association, or corporation.
- "German national." (b) The term "German national" means—
- (1) An individual who, on April 6, 1917, was a citizen or subject of Germany, or who, on the date of the enactment of this Act, is a citizen or subject of Germany.
- (2) A partnership, association, or corporation, which, on April 6, 1917, was organized or created under the law of Germany.
- (3) The Government of Germany.
- "Member of former ruling family." (c) The term "member of the former ruling family" means
- (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person.
- "Austrian national." (d) The term "Austrian national" means—
- (1) An individual who, on December 7, 1917, was a citizen of Austria, or who, on the date of the enactment of this Act, is a citizen of Austria.
- (2) A partnership, association, or corporation which, on December 7, 1917, was organized or created under the law of Austria.
- (3) The Government of Austria.
- "Hungarian national." (e) The term "Hungarian national" means—
- (1) An individual who, on December 7, 1917, was a citizen of Hungary, or who, on the date of the enactment of this Act, is a citizen of Hungary.
- (2) A partnership, association, or corporation which, on December 7, 1917, was organized or created under the law of Hungary.
- (3) The Government of Hungary.
- "United States." (f) The term "United States" when used in a geographical sense includes the Territories and possessions of the United States and the District of Columbia.

LEGISLATIVE COUNSEL AND SPECIAL ASSISTANT TO THE SECRETARY OF
THE TREASURY

SEC. 23. (a) Section 1303(d) of the Revenue Act of 1918, as amended by section 1101 of the Revenue Act of 1924, is amended by adding at the end thereof a sentence to read as follows: "Notwithstanding the foregoing provisions, the compensation of each of the two legislative counsel in office upon the date of the enactment of the Settlement of War Claims Act of 1928 shall, after such date, be at the rate of \$10,000 a year."

Legislative counsel.
Vol. 43, p. 353, amended.
Salaries established.

(b) The salary of the Special Assistant to the Secretary of the Treasury in matters of legislation, so long as the position is held by the present incumbent, shall be at the rate of \$10,000 a year.

Special assistant to
Secretary of the Treasury.
Salary established.

Approved, March 10, 1928.

CHAP. 168.—An Act Granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, Louisiana.

March 10, 1928.
[H. R. 449.]
[Public, No. 123.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Louisiana Highway Commission to construct, maintain, and operate a bridge and approaches thereto across the Atchafalaya River, at a point suitable to the interests of navigation, at or near Morgan City, Louisiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Atchafalaya River.
Louisiana Highway
Commission may
bridge, at Morgan
City, La.

Construction.
Vol. 34, p. 84.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Rates of toll to provide for operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 10, 1928.

CHAP. 169.—An Act To extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, Louisiana.

March 10, 1928.
[H. R. 5727.]
[Public, No. 124.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the bridge authorized by the Act of Congress approved March 10, 1926, to be built

Ouachita River.
Time extended for
bridging, at Harrison-
burg, La.