

the settlement of all claims under this section may have expired.

(b) Individuals who fail to file claims

The Commission shall receive and determine, or redetermine, as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by person who were eligible to file claims under the first sentence of subsection (a) of this section on August 9, 1955, but failed to file such claims or, if they filed such claims, failed to file such claims within the limit of time required therefor: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy, subsection (a) of this section, or section 4132 of title 50.

(c) Territory ceded by Italy

The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and July 24, 1968, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section.

(d) Time within which to file; publication in Federal Register

Within thirty days after July 24, 1968, or within thirty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsections (b) and (c) of this section, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication.

(e) Certification of awards

The Commission shall certify awards on claims determined pursuant to subsections (b) and (c) of this section to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 1641i of this title, after payment in full of all awards certified pursuant to subsection (a) of this section.

(f) Transfers from Italian Claims Fund to War Claims Fund

After payment in full of all awards certified to the Secretary of the Treasury pursuant to subsections (a) and (e) of this section, the Secretary of the Treasury is authorized and directed to transfer the unobligated balance in the Italian Claims Fund into the War Claims Fund created by section 4110 of title 50.

(Mar. 10, 1950, ch. 54, title III, § 304, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 572; amended Pub. L. 85-604, § 2, Aug. 8, 1958, 72 Stat. 531; Pub. L. 90-421, § 1(11), July 24, 1968, 82 Stat. 422.)

Editorial Notes

AMENDMENTS

1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsecs. (b) to (f).

1958—Pub. L. 85-604 authorized the Commission to determine the validity and amount of claims by natural persons who were citizens of the United States on Aug. 9, 1955.

§ 1641d. Claims of nationals of the United States against the Soviet Union

(a) Claims prior to November 16, 1933

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of—

(1) claims of nationals of the United States against a Russian national originally accruing in favor of a national of the United States with respect to which a judgment was entered in, or a warrant of attachment issued from, any court of the United States or of a State of the United States in favor of a national of the United States, with which judgment or warrant of attachment a lien was obtained by a national of the United States, prior to November 16, 1933, upon any property in the United States which has been taken, collected, recovered, or liquidated by the Government of the United States pursuant to the Litvinov Assignment. Awards under this paragraph shall not exceed the proceeds of such property as may have been subject to the lien of the judgment or attachment; nor, in the event that such proceeds are less than the aggregate amount of all valid claims so related to the same property, exceed an amount equal to the proportion which each such claim bears to the total amount of such proceeds; and

(2) claims, arising prior to November 16, 1933, of nationals of the United States against the Soviet Government.

(b) Federal and State court judgments

Any judgment entered in any court of the United States or of a State of the United States shall be binding upon the Commission in its determination, under paragraph (1) of subsection (a) of this section, of any issue which was determined by the court in which the judgment was entered.

(c) Preferences

The Commission shall give preference to the disposition of the claims referred to in paragraph (1) of subsection (a) of this section, over all other claims presented to it under this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 305, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 572.)

§ 1641e. Filing of claims; notice in Federal Register

(a) Time period

Within sixty days after August 9, 1955, or within sixty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (1), (2), or (3) of section 1641b of this title,

whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under paragraph (1), (2), or (3) of section 1641b of this title, which limit shall not be more than one year after such publication, except that with respect to claims under section 1641d of this title this limit shall not exceed six months.

(b) Property taken in Bulgaria and Rumania

Within thirty days after July 24, 1968, or the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 1641b of this title, whichever is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under paragraph (4) of section 1641b of this title, which limit shall not be more than six months after such publication.

(c) Property taken in Hungary

Within thirty days after October 20, 1974, or thirty days after enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (5) of section 1641b of this title, whichever date is later, the Commission shall publish in the Federal Register the time when, and the limit of time within which, claims may be filed with the Commission under paragraph (5) of section 1641b of this title, which limit shall not be more than six months after such publication.

(d) Failure to receive notice on Hungarian claims

Notwithstanding any other provision of this section, any national of the United States who was mailed notice by any department or agency of the Government of the United States with respect to filing a claim against the Government of Hungary arising out of any of the failures referred to in paragraph (1), (2), or (3) of section 1641b of this title, and who did not receive the notice as the result of administrative error in placing a nonexistent address on the notice, may file with the Commission a claim under any such paragraph. The Commission shall publish in the Federal Register, within thirty days after October 20, 1974, when the limit of time within which any such claim may be filed with the Commission, which limit shall not be more than six months after such publication.

(Mar. 10, 1950, ch. 54, title III, § 306, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 572; amended Pub. L. 90-421, § 1(12), July 24, 1968, 82 Stat. 423; Pub. L. 93-460, § 1(4), Oct. 20, 1974, 88 Stat. 1386.)

Editorial Notes

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-460, § 1(4)(A), substituted “paragraph (1), (2), or (3) of section 1641b of this title” for “this subchapter”.

Subsecs. (c), (d). Pub. L. 93-460, § 1(4)(B), added subsecs. (c) and (d).

1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1641f. Amount of award

The amount of any award made pursuant to this subchapter based on a claim of a national of the United States other than the national of the United States to whom the claim originally accrued shall not exceed the amount of the actual consideration last paid therefor either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

(Mar. 10, 1950, ch. 54, title III, § 307, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573.)

§ 1641g. Certification of awards

The Commission shall as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 308, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573.)

§ 1641h. Funds for payment of claims

All payments authorized under this subchapter shall be disbursed exclusively from the claims fund attributable to the country with respect to which the claims are allowed pursuant to this subchapter. All amounts covered into the Treasury to the credit of the claims funds created by section 1641a of this title are hereby permanently appropriated for the making of the payments authorized under this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 309, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573.)

§ 1641i. Payment of awards

(a) Manner of payment

The Secretary of the Treasury shall make payments on account of awards certified by the Commission pursuant to this subchapter as follows:

(1) Payment in full of the principal amount of each award made pursuant to section 1641d(a)(1) of this title and each award of \$1,000 or less made pursuant to section 1641b or 1641c of this title;

(2) Payment in full of the principal amount of each award of \$1,000 or less made pursuant to section 1641d(a)(2) of this title;

(3) Payment in the amount of \$1,000 on account of the principal of each award of more than \$1,000 in amount made pursuant to section 1641b, 1641c, or 1641d(a)(2) of this title;

(4) After completing the payments under the preceding paragraphs of this subsection from any one fund, payments from time to time, in ratable proportions, on account of the then unpaid principal of all awards in the principal amount of more than \$1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution on account of such awards at the time such payments are made;

(5) After payment has been made in full of the principal amounts of all awards from any one fund, pro rata payments from the remainder of such fund then available for distribution on account of accrued interest on such awards as bear interest;