

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “Claims Court” for “Court of Claims”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§ 1642c. Determination of validity and amount of claims

The Commission shall determine in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property including any rights or interests therein owned at the time by nationals of the United States, subject, however, to the terms and conditions of an applicable claims agreement, if any, concluded between the Governments of Czechoslovakia and the United States within one year following August 8, 1958. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission is authorized to accept the fair or proved value of the said property, right, or interest as of a time when the property or business enterprise taken, was last operated, used, managed or controlled by the national or nationals of the United States asserting the claim irrespective of whether such date is prior to the actual date of nationalization or taking by the Government of Czechoslovakia.

(Mar. 10, 1950, ch. 54, title IV, § 404, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 528.)

§ 1642d. Nationality requirements

A claim under section 1642c of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission.

(Mar. 10, 1950, ch. 54, title IV, § 405, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 528.)

§ 1642e. Claims based on ownership interest in corporations or other legal entities**(a) Nationals of United States**

A claim under section 1642c of this title, based upon an ownership interest in any corporation,

association, or other entity which is a national of the United States shall be denied.

(b) Direct ownership

A claim under section 1642c of this title, based upon a direct ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this subchapter, if such corporation, association, or other entity on the date of the nationalization or other taking was not a national of the United States, without regard to the per centum of ownership vested in the claimant in any such claim.

(c) Indirect ownership

A claim under section 1642c of this title, based upon an indirect ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this subchapter, only if at least 25 per centum of the entire ownership interest thereof at the time of such nationalization or other taking was vested in nationals of the United States.

(d) Computation of award

Any award on a claim under subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof.

(Mar. 10, 1950, ch. 54, title IV, § 406, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642f. Prevention of double benefits

In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made.

(Mar. 10, 1950, ch. 54, title IV, § 407, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642g. Consolidated awards

With respect to any claim under section 1642c of this title which, at the time of the award, is vested in persons other than the person by whom the loss was sustained, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimants therein, and all such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this subchapter in all respects as if the award had been in favor of a single person.

(Mar. 10, 1950, ch. 54, title IV, § 408, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642h. Prohibition against payment of award to certain persons

No award shall be made on any claim under section 1642c of this title to or for the benefit of

(1) any person who has been convicted of a violation of any provision of chapter 115 of title 18, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this subchapter is within the scope of subchapter III of this chapter.

(Mar. 10, 1950, ch. 54, title IV, § 409, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642i. Certification of awards

The Commission shall 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 IV, § 410, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642j. Time for filing of claims; notice

Within sixty days after August 8, 1958, or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than twelve months after such publication.

(Mar. 10, 1950, ch. 54, title IV, § 411, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642k. Time limitation on completion of affairs of Commission

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this subchapter not later than three years following the final date for the filing of claims as provided in section 1642j of this title or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(Mar. 10, 1950, ch. 54, title IV, § 412, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642l. Payment of awards

(a) Manner of payment

The Secretary of the Treasury is authorized and directed, out of the sums covered into the Czechoslovakian Claims Fund, to make payments on account of awards certified by the Commission pursuant to this subchapter as follows and in the following order of priority:

(1) Payment in the amount of \$1,000 or in the amount of the award, whichever is less.

(2) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to this subchapter which shall bear to such unpaid balance the same proportion as the total amount in the fund available for distribution at the time such payments are made bears to the aggregate unpaid balance of all such awards.

(b) Regulations

Such payments, and applications for such payments, shall be made in accordance with such

regulations as the Secretary of the Treasury shall prescribe.

(c) "Award" defined

For the purpose of making any such payments, an "award" shall be deemed to mean the aggregate of all awards certified in favor of the same claimant.

(d) Payment of interest of deceased persons or persons under legal disability

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

(e) Partial payments

Subject to the provisions of any claims agreement hereafter concluded between the Governments of Czechoslovakia and the United States, payment of any award pursuant to this subchapter shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against any foreign government for the unpaid balance of his claim.

(Mar. 10, 1950, ch. 54, title IV, § 413, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 530.)

§ 1642m. Fees of attorneys; limitation; penalty

No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this subchapter shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this subchapter on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

(Mar. 10, 1950, ch. 54, title IV, § 414, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 530.)

§ 1642n. Transfer of records

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

(Mar. 10, 1950, ch. 54, title IV, § 415, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 530.)

§ 1642o. Applicability of administrative provisions of subchapter I

To the extent they are not inconsistent with the provisions of this subchapter, the following