

Statutory Notes and Related Subsidiaries

CONSTRUCTION

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

§ 4043. Preservation of remedies

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

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

Editorial Notes

CODIFICATION

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

CHAPTER 51—WAR CLAIMS

SUBCHAPTER I—TITLE I OF WAR CLAIMS ACT OF 1948

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Editorial Notes

CODIFICATION

Act July 3, 1948, ch. 826, comprising this chapter, was formerly set out in the Appendix to this title, prior to

the elimination of the Appendix to this title and the editorial reclassification of the Act as this chapter. For disposition of sections of the former Appendix to this title, see Table II, set out preceding section 1 of this title.

SUBCHAPTER I—TITLE I OF WAR CLAIMS ACT OF 1948

Editorial Notes

CODIFICATION

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

§ 4101. Foreign Claims Settlement Commission of the United States**(a) Employment of personnel; use of other facilities and services**

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

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

The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. The Commission shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register. The limit of time within which claims may be filed with the Commission shall in no event be later than March 31, 1952. The Commission shall take immediate action to advise all persons entitled to file claims under the provisions of this subchapter administered by the Commission of their rights under such provisions, and to assist them in the preparation and filing of their claims.

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

(1) For the purpose of any hearing, examination, or investigation under this subchapter, the Commission and those employees designated by the Commission shall have the power to issue subpenas requiring persons to appear and testify or to appear and produce documents, or both, at any designated place where such hearing, examination, or investigation is being held. The Commission or any employee so designated shall,

upon application of a claimant, issue to such claimant subpoenas requiring the attendance and testimony of witnesses or the production of documents, or both, required by such claimant in hearings upon his claim: *Provided*, That the claimant making such application pay the witness fees and mileage of any witness or witnesses subpoenaed upon his request. The production of a person's documents at any place other than his place of business shall not be required, however, in any case in which, prior to the return date specified in the subpoena with respect thereto, such person either has furnished the issuer of the subpoena with a copy of such documents (certified by such person under oath to be a true and correct copy) or has entered into a stipulation with the issuer of the subpoena as to the information contained in such documents.

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

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

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

(July 3, 1948, ch. 826, title I, § 2, 62 Stat. 1240; May 27, 1949, ch. 145, § 1(1), 63 Stat. 112; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Aug. 16, 1950, ch. 718, 64 Stat. 449; Apr. 5, 1951, ch. 27, 65 Stat. 28; 1954 Reorg. Plan No. 1 §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279; Aug. 21, 1954, ch. 784, § 3, 68 Stat. 762; Pub. L. 87-846, title I, §§ 102, 104(a), Oct. 22, 1962, 76 Stat. 1107, 1113; Pub. L. 96-209, title I, § 108, Mar. 14, 1980, 94 Stat. 97.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (b) and (c)(1), was in the original "this title", meaning title I of act July 3, 1948, ch. 826, 62 Stat. 1240, which is classified principally to this subchapter. For complete classification of title I to the Code, see Tables.

CODIFICATION

In subsec. (a), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949, as amended" on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 2001 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1980—Subsec. (d). Pub. L. 96-209 struck out subsec. (d) which provided for terms of office of Chairman and members of Foreign Claims Settlement Commission of United States. See section 1622c(c) of Title 22, Foreign Relations and Intercourse.

1962—Subsecs. (b), (c)(1). Pub. L. 87-846, § 102, made technical amendment to reference in original act which appears in text as reference to this subchapter.

Subsec. (d). Pub. L. 87-846, § 104(a), added subsec. (d).

1954—Subsec. (a). Act Aug. 21, 1954, struck out subsec. (a) which related to establishment and composition of the former War Claims Commission, and which had been affected by Reorg. Plan No. 1 of 1954 (see Transfer of Functions note below), redesignated subsec. (b) as (a) and substituted "The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the 'Commission')" for "The Commission", meaning the former War Claims Commission.

Subsecs. (b) to (d). Act Aug. 21, 1954, § 3(a), designated subsecs. (b) to (d) as (a) to (c), respectively.

Former subsec. (e). Act Aug. 21, 1954, § 3(a), repealed subsec. (e) which related to termination of former War Claims Commission.

1951—Subsec. (c). Act Apr. 5, 1951, extended time limit on filing of claims from Mar. 1, 1951 to Mar. 31, 1952, and authorized Commission to advise claimants of their rights.

1950—Subsecs. (d), (e). Act Aug. 16, 1950, added subsec. (d) and redesignated former subsec. (d) as (e).

1949—Subsec. (b). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

Subsec. (c). Act May 27, 1949, extended time within which persons may file claims until Mar. 1, 1951.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-209 effective Mar. 14, 1980, see title VI of Pub. L. 96-209, set out as an Effective Date note under section 1622a of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1951 AMENDMENT

Act Apr. 5, 1951, ch. 27, 65 Stat. 28, provided that the amendment made by that Act is effective as of Mar. 1, 1951.

SHORT TITLE OF 1954 AMENDMENT

Act Aug. 31, 1954, ch. 1162, title I, § 1, 68 Stat. 1033, provided: "That this Act [see Tables for classification] may be cited as the 'War Claims Act Amendments of 1954'."

SHORT TITLE

Act July 3, 1948, ch. 826, title I, § 1, 62 Stat. 1240, provided that: "This Act [enacting this chapter] may be cited as the 'War Claims Act of 1948'."

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

Executive Documents

TRANSFER OF FUNCTIONS

"Foreign Claims Settlement Commission" substituted in text for "War Claims Commission" pursuant

to Reorg. Plan No. 1 of 1954, §§2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees, which abolished War Claims Commission, including offices of its members, and transferred functions of Commission and members, officers, and employees thereof to Foreign Claims Settlement Commission of the United States.

§ 4102. Jurisdiction of Commission

The Commission shall have jurisdiction to receive and adjudicate according to law claims as hereinafter provided.

(July 3, 1948, ch. 826, title I, §3, 62 Stat. 1241.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 2002 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

Executive Documents

TRANSFER OF FUNCTIONS

War Claims Commission, including offices of its members, abolished and functions transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 4101 of this title and notes thereunder.

§ 4103. Claims of employees of contractors

(a) Payment by Secretary of Labor of certain claims; execution of releases

The Secretary of Labor is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101(a) of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended [42 U.S.C. 1701(a)], or by the legal representative of any such person who may have died, for the amount by which (1) the total sum which would have been payable to such person by his employer (not including any payments for overtime), if such person's contract of employment had been in effect and he had been paid under it for the entire period during which he was entitled to receive benefits under section 101(b) of such Act [42 U.S.C. 1701(b)], exceeds (2) the entire amount creditable to such person's account for such period under the provisions of such section plus any amounts paid to such person by such employer for such period or recovered by such person in any legal action against such employer based upon such person's right against such employer for such period under the contract of employment, including payments in settlement of the liability of the employer arising

under or out of such contract. No claim shall be allowed to any person under the provisions of this section unless such person executes a full release to the employer and to the United States in respect to the liability of the employer arising under or out of the contract of employment, except liability for workmen's compensation benefits under the Act of August 16, 1941, as amended [42 U.S.C. 1651 et seq.] or detention or other benefits paid under the Act of December 2, 1942, as amended [42 U.S.C. 1701 et seq.]. Any claim allowed under the provisions of this section shall be certified by the Secretary of Labor to the Secretary of the Treasury for payment out of the War Claims Fund established by section 4110 of this title.

(b) Cancellation of employees' obligations; repayment to employees

(1) The Secretary of State is authorized and directed to cancel any obligation to the United States of any person specified in section 101(a) of such Act of December 2, 1942 [42 U.S.C. 1701(a)], to pay any sum which may have been advanced to or on behalf of any such person by the Department of State for the purpose of paying the costs of food and medical services furnished to such person during his period of internment by the Imperial Japanese Government or for the purpose of paying transportation or other expenses of repatriation.

(2) The Secretary of Labor is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101(a) of such Act of December 2, 1942 [42 U.S.C. 1701(a)], for the repayment of any sum which may have been paid by such person to the Department of State in settlement of any obligation of the type referred to in paragraph (1) of this subsection. Any claim allowed under the provisions of this paragraph shall be certified by the Secretary of Labor to the Secretary of the Treasury for payment out of the War Claims Fund established by section 4110 of this title.

(c) Omitted

(July 3, 1948, ch. 826, title I, §4, 62 Stat. 1241; 1950 Reorg. Plan No. 19, §1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271; Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

Editorial Notes

REFERENCES IN TEXT

Act of August 16, 1941, referred to in subsec. (a), is act Aug. 16, 1941, ch. 357, 55 Stat. 622, known as the Defense Base Act, which is classified generally to chapter 11 (§1651 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1651 of Title 42 and Tables.

Act of December 2, 1942, referred to in subsec. (a), is act Dec. 2, 1942, ch. 668, 56 Stat. 1028, which is classified principally to chapter 12 (§1701 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of section 4 of act July 3, 1948. Subsec. (c) of section 4 of act July 3, 1948, amended section 1702 of Title 42, The Public Health and Welfare.

Section was formerly classified to section 2003 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.