

Pub. L. 87-189, §3, Aug. 30, 1961, 75 Stat. 417. Section 345 of former Title 28 was repealed by act June 25, 1948, ch. 646, §39, 62 Stat. 992.

CODIFICATION

Section was formerly classified to section 17 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4317. Fees of agents, attorneys, or representatives

No property or interest or proceeds shall be returned under this chapter, nor shall any payment be made or judgment awarded in respect of any property or interest vested in or transferred to any officer or agency of the United States under this chapter unless satisfactory evidence is furnished to the President or such officer or agency as he may designate, or the court, as the case may be, that the aggregate of the fees to be paid to all agents, attorneys at law or in fact, or representatives, for services rendered in connection with such return or payment or judgment does not exceed 10 per centum of the value of such property or interest or proceeds or of such payment. Any agent, attorney at law or in fact, or representative, believing that the aggregate of the fees should be in excess of such 10 per centum may in the case of any return of, or the making of any payment in respect of, such property or interest or proceeds by the President or such officer or agency as he may designate, petition the district court of the United States for the district in which he resides for an order authorizing fees in excess of 10 per centum and shall name such officer or agency as respondent. The court hearing such petition, or a court awarding any judgment in respect of any such property or interest or proceeds, as the case may be, shall approve an aggregate of fees in excess of 10 per centum of the value of such property or interest or proceeds only upon a finding that there exist special circumstances of unusual hardship which require the payment of such excess. Any person accepting any fee in excess of an amount approved hereunder, or retaining for more than thirty days any portion of a fee, accepted prior to approval hereunder, in excess of the fee as approved, shall be guilty of a violation of this chapter.

(Oct. 6, 1917, ch. 106, §20, as added Mar. 4, 1923, ch. 285, §2, 42 Stat. 1515; amended Mar. 10, 1928, ch. 167, §9(c), 45 Stat. 267; Mar. 8, 1946, ch. 83, §2, 60 Stat. 54; June 25, 1956, ch. 436, 70 Stat. 331.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act Oct. 6, 1917, ch. 106, 40 Stat. 411, known as the Trading with the enemy Act, also known as the Trading with the Enemy Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4301 of this title and Tables.

CODIFICATION

Section was formerly classified to section 20 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1956—Act June 25, 1956, struck out provisions which required a schedule of fees to be furnished to, and ap-

proved by, the President or such officer or agency as he designated, and which permitted approval of such schedule of fees only upon a determination that the individual fees did not exceed fair compensation for services rendered.

1946—Act Mar. 8, 1946, raised limitation of fees from 3 per centum of amount involved to 10 per centum.

1928—Act Mar. 10, 1928, inserted "at law or in fact" after "attorney" wherever appearing.

Executive Documents

TRANSFER OF FUNCTIONS

Alien Property Custodian designated officer to administer powers and authority conferred upon the President by this section, see Ex. Ord. No. 9725, set out below.

Office of World War II Alien Property Custodian terminated and powers, duties, and functions vested in or transferred or delegated to such Office or in the Alien Property Custodian transferred to Attorney General, see Ex. Ord. No. 9788, set out under section 4306 of this title.

EX. ORD. NO. 9725. ADMINISTRATION OF POWERS AND AUTHORITY OF PRESIDENT BY ALIEN PROPERTY CUSTODIAN

Ex. Ord. No. 9725, May 16, 1946, 11 F.R. 5381, provided:

The Alien Property Custodian is designated as the officer to administer the powers and authority conferred upon the President by section 20 of the Trading with the Enemy Act, as amended by Public Law 322, 79th Congress, approved March 8, 1946 [50 U.S.C. 4317], and by section 32 of the said act, as added by the said Public Law 322 [50 U.S.C. 4329].

The Alien Property Custodian may delegate to officers and employees of the Office of Alien Property Custodian such functions as he may deem necessary to carry out the provisions of this order.

This order shall not be construed as revoking or limiting any power or authority heretofore delegated to the Alien Property Custodian.

HARRY S. TRUMAN.

§ 4318. Claims of naturalized citizens as affected by expatriation

The claim of any naturalized American citizen under the provisions of this chapter shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, if he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control.

(Oct. 6, 1917, ch. 106, §21, as added Mar. 4, 1923, ch. 285, §2, 42 Stat. 1516.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act Oct. 6, 1917, ch. 106, 40 Stat. 411, known as the Trading with the enemy Act, also known as the Trading with the Enemy Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4301 of this title and Tables.

The second sentence of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and