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ACT REFERRED TO IN OTHER SECTIONS

This Act is referred to in title 22 sections 1622b, 1622g.

TITLE I

TITLE I OF ACT

Section 101 of Pub. L. 87-846, Oct. 22, 1962, 76 Stat. 1107, designated sections 2 to 17 of act July 3, 1948, as amended [sections 2001 to 2016 of this Appendix], as title I.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in section 2017n of this Appendix.

§ 2001. 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 the Classification Act of 1949, as amended [5 U.S.C. 5101 et seq., 5331 et seq.], 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 title [sections 2001 to 2016 of this Appendix] 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 title [sections 2001 to 2016 of this Appendix], the Commission and those employees designated by the Commission shall have the power to issue subpoenas 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.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (a), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The Classification Act of 1949, as amended, referred to in subsec. (a), is act Oct. 28, 1949, ch. 782, 63 Stat. 954, as amended. The Classification Act of 1949 was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as chapter 51 (§ 5101 et seq.) and subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

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, substituted "title" for "Act".

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.

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, provided that the amendment made by that Act is effective as of Mar. 1, 1951.

EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on first day of first pay period which began after Oct. 15, 1949, see section 9 of act Oct. 15, 1949.

SHORT TITLE OF 1954 AMENDMENT

Act Aug. 31, 1954, ch. 1162, title I, § 1, 68 Stat. 1033, provided: "That this Act [enacting sections 2014 to 2016 of this Appendix, amending sections 2004, 2005, and 2012 of this Appendix and section 801 of former Title 5, Executive Departments and Government Officers and Employees, and enacting provisions set out as notes under this section and section 2008 of this Appendix] may be cited as the 'War Claims Act Amendments of 1954'."

SHORT TITLE

Section 1 of act July 3, 1948, provided that: "This Act [enacting this section and sections 2002 to 2017p of this Appendix] 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.

“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.

GUAM WAR CLAIMS REVIEW COMMISSION

Pub. L. 107-333, Dec. 16, 2002, 116 Stat. 2873, known as the Guam War Claims Review Commission Act, established the Commission and its duties and powers, authorized appropriations, and provided that the Commission would report, not later than 9 months after its establishment, to the Secretary of the Interior and Congress and terminate 30 days thereafter.

TIME LIMIT FOR SETTLEMENT OF CLAIMS UNDER WAR CLAIMS ACT AMENDMENTS OF 1954

Act Aug. 31, 1954, ch. 1162, title I, § 105, 68 Stat. 1037, required the Foreign Claims Settlement Commission to wind up its affairs in settling claims for benefits authorized by act Aug. 31, 1954 within two years after Aug. 31, 1954.

REAPPOINTMENT OF MEMBERS OF FOREIGN CLAIMS SETTLEMENT COMMISSION

Section 104(b) of Pub. L. 87-846 provided that: “Nothing in this section shall be construed to preclude the reappointment as a member of the Foreign Claims Settlement Commission of any person holding office as a member of such Commission on the date of enactment of this Act [Oct. 22, 1962].”

TENURE OF WAR CLAIMS COMMISSION

Act Apr. 9, 1952, ch. 167, § 4, 66 Stat. 49, provided that nothing in that act or the amendments made by it, amending sections 2005 and 2006 of this Appendix, should extend the life of the War Claims Commission for any period of time.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2007, 2017n of this Appendix.

§ 2002. 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.)

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.

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 2001 of this Appendix and notes thereunder.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2007 of this Appendix.

§ 2003. 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 and the following) or detention or other benefits paid under the Act of December 2, 1942, as amended (42 U.S.C. 1751 and the following) [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 13 of this title [section 2012 of this Appendix].

(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