

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Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub.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

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 13 of this title [section 2012 of this Appendix].

(c) Omitted [Amendment of section 1702(a) of Title 42]

(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.)

REFERENCES IN TEXT

Act of August 16, 1941, as amended, referred to in subsec. (a), is act Aug. 16, 1941, ch. 357, 55 Stat. 622, as amended, 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, as amended, referred to in subsec. (a), is act Dec. 2, 1942, ch. 668, 56 Stat. 1028, as amended, titles I and II of which are popularly known as the War Hazards Compensation Act, and is classified principally to chapter 12 (§1701 et seq.) of Title 42. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

TRANSFER OF FUNCTIONS

“Secretary of Labor” substituted in subsecs. (a) and (b) for “Federal Security Administrator” and “Administrator” pursuant to Reorg. Plan No. 19 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271, set out in the Appendix to Title 5, Government Organization and Employees, which transferred functions of Federal Security Administrator and Federal Security Agency under this section to Secretary of Labor, with power to delegate.

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 and funds transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§2, 4, 6(c), 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 sections 2007, 2012 of this Appendix.

§ 2004. Internees

(a) “Civilian American citizen” defined

As used in subsections (b) and (f) of this section, the term “civilian American citizen” means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place, or who went into hiding at any such

place in order to avoid capture or internment by such government; except (1) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (2) a person who at the time of his capture or entrance into hiding was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

(b) Payment of detention benefits

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to December 6, 1941, during which he was held by the Imperial Japanese Government as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by such Imperial Japanese Government.

(c) Amount of detention benefits

The detention benefit allowed to any person under the provisions of subsection (b) shall be at the rate of \$60 for each calendar month during which such person was at least eighteen years of age and at the rate of \$25 per month for each calendar month during which such person was less than eighteen years of age.

(d) Persons entitled to detention benefits

The detention benefits allowed under subsection (b) of this section shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

- (1) Widow or husband if there is no child or children of the deceased;
- (2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children in equal shares;
- (3) Child or children of the deceased (in equal shares) if there is no widow or husband; and
- (4) Parents (in equal shares) if there is no husband, or child.

(e) Certification of claims

Any claim allowed by the Commission under this section (except under subsections (g) and (i)) shall be certified to the Secretary of the Treasury for payment out of the war claims funds established by section 13 of this title [section 2012 of this Appendix], and shall be payable by the Secretary of the Treasury to the person entitled thereto; except that where the person entitled to payment is under any legal disability, any part of the amount payable may, in the discretion of the Commission, be paid, for the use of the claimant, to the natural or legal guardian, committee, conservator, or curator of the claimant, or, if there is no such guardian, committee, conservator, or curator, then the Commission may, in its discretion, make payment to any other person, including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate for the use and benefit of such claimant or estate; and if such person is a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.