

a hearing before the Commission, or its duly authorized representatives, with respect to such claim. Upon such hearing, the Commission may affirm, modify, or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim. The action of the Commission in allowing or denying any claim under this title shall be final and conclusive on all questions of law and fact and not subject to review by the Secretary of State or any other official, department, agency, or establishment of the United States or by any court by mandamus or otherwise.

(i) The Commission may in its discretion enter an award with respect to one or more items deemed to have been clearly established in an individual claim while deferring consideration and action on other items of the same claim.

(j) The Commission shall comply with the provisions of the Administrative Procedure Act of 1946 except as otherwise specifically provided by this title.

SEC. 5. The Commission shall, as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury and to the Secretary of State copies of the awards made in favor of the Government of the United States or of nationals of the United States under this title. The Commission shall certify to the Secretary of State, upon his request, copies of the formal submissions of claims filed pursuant to subsection (b) of section 4 of this title for transmission to the foreign government concerned.

SEC. 6.⁵ The Commission shall complete its affairs in connection with settlement of United States-Yugoslav claims arising under the Yugoslav Claims Agreement of 1948 not later than December 31, 1954: *Provided*, That nothing in this provision shall be construed to limit the life of the Commission, or its authority to act on future agreements which may be effected under the provisions of this legislation.

SEC. 7. (a) Subject to the limitations hereinafter provided, the Secretary of the Treasury is authorized and directed to pay, as prescribed by section 8 of this title, an amount not exceeding the principal of each award, plus accrued interest on such awards as bear interest, certified pursuant to section 5 of this title, in accordance with the award. Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b)⁶ There shall be deducted from the amount of each payment made pursuant to subsection (c) of section 8, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(c) Payments made pursuant to this title shall be made only to the person or persons on behalf of whom the award is made, except that—

(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the total award is not over \$500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General of the United States

⁵ Amended by Public Law 242, 83d Cong., approved August 8, 1953 (67 Stat. 506).
⁶ Amended by Public Law 242, 83d Cong., approved August 8, 1953 (67 Stat. 506).

to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

(2) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award is made, payment shall be made, except as provided in paragraphs (3) and (4), to the person or persons found by the Comptroller General of the United States to be entitled thereto;

(3) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee in accordance with the order of the court;

(4) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award is made, or makes an assignment of such award, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

(5) in the case of any assignment of an award, or any part thereof, which is made in writing and duly acknowledged and filed, after such award is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

(d) Whenever the Secretary of the Treasury, or the Comptroller General of the United States, as the case may be, shall find that any person is entitled to any such payment, after such payment shall have been received by such person, it shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

(e) Any person who makes application for any such payment shall be held to have consented to all the provisions of this title.

(f) Nothing in this title shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any national of the United States against any foreign government.

SEC. 8. (a) There are hereby created in the Treasury of the United States (1) a special fund to be known as the Yugoslav Claims Fund; and (2) such other special funds as may, in the discretion of the Secretary of the Treasury, be required, each to be a claims fund to be known by the name of the foreign government which has entered into a settlement agreement with the Government of the United States as described in subsection (a) of section 4 of this title. There shall be covered into the Treasury to the credit of the proper special fund all funds hereinafter specified. All payments authorized under section 7 of this title shall be disbursed from the proper fund, as the case may be, and all amounts covered into the Treasury to the credit of the aforesaid funds are hereby permanently appropriated for the making of the payments authorized by section 7 of this title.

(b) The Secretary of the Treasury is authorized and directed to cover into—

(1) the Yugoslav Claims Fund the sum of \$17,000,000 being the amount paid by the Government of the Federal People's

Republic of Yugoslavia pursuant to the Yugoslav Claims Agreement of 1948;

(2) a special fund created for that purpose pursuant to subsection (a) of this section any amounts hereafter paid, in United States dollars, by a foreign government which has entered into a claims settlement agreement with the Government of the United States as described in subsection (a) of section 4 of this title.

(c) The Secretary of the Treasury is authorized and directed out of the sums covered into any of the funds pursuant to subsection (b) of this section, and after making the deduction provided for in section 7 (b) of this title—

(1) to make payments in full of the principal of awards of \$1,000 or less, certified pursuant to section 5 of this title;

(2) to make payments of \$1,000 on the principal of each award of more than \$1,000 in principal amount, certified pursuant to section 5 of this title;

(3) to make additional payment of not to exceed 25 per centum of the unpaid principal of awards in the principal amount of more than \$1,000;

(4) after completing the payments prescribed by paragraphs (2) and (3) of this subsection, to make payments, from time to time in ratable proportions, on account of the unpaid principal of all awards in the principal amount of more than \$1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution at the time such payments are made; and

(5) after payment has been made of the principal amounts of all such awards, to make pro rata payments on account of accrued interest on such awards as bear interest.

(d) The Secretary of the Treasury, upon the concurrence of the Secretary of State, is authorized and directed, out of the sum covered into the Yugoslav Claims Fund pursuant to subsection (b) of this section, after completing the payments of such funds pursuant to subsection (c) of this section, to make payment of the balance of any sum remaining in such fund to the Government of the Federal People's Republic of Yugoslavia to the extent required under article 1 (c) of the Yugoslav Claims Agreement of 1948. The Secretary of State shall certify to the Secretary of the Treasury the total cost of adjudication, not borne by the claimants, attributable to the Yugoslav Claims Agreement of 1948. Such certification shall be final and conclusive and shall not be subject to review by any other official, or department, agency, or establishment of the United States.

SEC. 9. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this title.

TITLE II⁷

VESTING AND LIQUIDATION OF BULGARIAN, HUNGARIAN, AND RUMANIAN PROPERTY

SEC. 201. As used in this title the term—

(1) "Person" means a natural person, partnership, association, other unincorporated body, corporation, or body politic.

⁷ Title II added by Public Law 285, 84th Cong., approved August 9, 1955 (69 Stat. 562).

(2) "Property" means any property, right, or interest.

(3) "Treaty of peace", with respect to a country, means the treaty of peace with that country signed at Paris, France, February 10, 1947, which came into force between that country and the United States on September 15, 1947.

SEC. 202. (a) In accordance with article 25 of the treaty of peace with Bulgaria, article 29 of the treaty of peace with Hungary, and article 27 of the treaty of peace with Rumania, any property which was blocked in accordance with Executive Order 8389 of April 10, 1940, as amended, and remains blocked on the effective date of this title, and which, as of September 15, 1947, was owned directly or indirectly by Bulgaria, Hungary, and Rumania or by any national thereof as defined in such Executive order, shall vest in such officer or agency as the President may from time to time designate and shall vest when, as, and upon such terms as the President or his designee shall direct. Such property shall be sold or otherwise liquidated as expeditiously as possible after vesting under such rules and regulations as the President or his designee may prescribe. The net proceeds remaining upon completion of the administration and liquidation thereof, including the adjudication of any suits or claims with respect thereto under sections 207 and 208, shall be covered into the Treasury. Notwithstanding the preceding provisions of this subsection, any such property determined by the President or his designee to be owned directly by a natural person shall not be vested under this subsection but shall remain blocked subject to release when, as, and upon such terms as the President or his designee may prescribe. If, at any time within one year from the date of the vesting of any property under this subsection, the President or his designee shall determine that it was directly owned at the date of vesting by a natural person, then the President or his designee shall divest such property and restore it to its blocked status prior to vesting, subject to release when, as, and upon such terms as the President or his designee may prescribe, or if such property has been liquidated, shall divest the net proceeds thereof and carry them in blocked accounts with the Treasury, bearing no interest, in the name of the owner thereof at the date of vesting, subject to release when, as, and upon such terms as the President or his designee may prescribe.

(b) The net proceeds of any property which was vested in the Alien Property Custodian or the Attorney General after December 17, 1941, pursuant to the Trading With the Enemy Act, as amended, and which at the date of vesting was owned directly or indirectly by Bulgaria, Hungary, or Rumania, or any national thereof, shall after completion of the administration, liquidation, and disposition of such property pursuant to such Act, including the adjudication of any suits or claims with respect thereto under such Act, be covered into the Treasury, except that the net proceeds of any such property which the President or his designee shall determine was directly owned by a natural person at the date of vesting shall be divested by the President or such officer or agency as he may designate and carried in blocked accounts with the Treasury, bearing no interest, in the name of the owner thereof at the date of vesting, subject to release when, as, and upon such terms as the President or his designee may prescribe.

(c) The determination under this section that any vested property

was not directly owned by a natural person at the date of vesting shall be within the sole discretion of the President or his designee and shall not be subject to review by any court.

(d) The President or his designee may require any person to furnish, in the form of reports or otherwise, complete information, including information with regard to past transactions, relative to any property blocked under Executive Order 8389 of April 10, 1940, as amended, or as may be otherwise necessary to enforce the provisions of this section; and the President or his designee may require of any person the production of any books of account, records, contracts, letters, memoranda, or other papers relative to such property or as may be otherwise necessary to enforce the provisions of this section.

SEC. 203. Whenever shares of stock or other beneficial interest in any corporation, association, or company or trust are vested in any officer or agency designated by the President under this title, it shall be the duty of the corporation, association, or company or trustee or trustees issuing such shares or any certificates or other instruments representing the same or any other beneficial interest to cancel such shares of stock or other beneficial interest upon its, his, or their books and in lieu thereof to issue certificates or other instruments for such shares or other beneficial interest to the designee of the President, or otherwise as such designee shall require.

SEC. 204. Any vesting order, or other order or requirement issued pursuant to this title, or a duly certified copy thereof, may be filed, registered, or recorded in any office for the filing, registering, or recording of conveyances, transfers, or assignments of such property as may be covered by such order or requirement; and if so filed, registered, or recorded shall impart the same notice and have the same force and effect as a duly executed conveyance, transfer, or assignment so filed, registered, or recorded.

SEC. 205. Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

SEC. 206. The district courts of the United States are given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this title, with a right of appeal from the final order or decree of such court as provided in sections 1252, 1254, 1291, and 1292 of title 28, United States Code.

SEC. 207. (a) Any person who has not filed a notice of claim under subsection (b) of this section may institute a suit in equity for the return of any property, or the net proceeds thereof, vested in a designee of the President pursuant to section 202 (a) and held by such designee. Such suit, to which said designee shall be made a party defendant, shall be instituted in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which the claimant resides, or, if a

corporation, where it has its principal place of business, by the filing of a complaint which alleges—

(1) that the claimant is a person other than Bulgaria, Hungary, or Rumania, or a national thereof as defined in Executive Order 8389 of April 10, 1940, as amended; and

(2) that the claimant was the owner of such property immediately prior to its vesting, or is the successor in interest of such owner by inheritance, devise, or bequest.

If the court finds in favor of the claimant, it shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of such property, or the net proceeds thereof, held by said designee or the portion thereof to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such property, or, if liquidated, the net proceeds thereof, shall be retained in the custody of said designee until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated.

(b) Any person who has not instituted a suit under the provisions of subsection (a) of this section may file a notice of claim under oath for the return of any property, or the net proceeds thereof, vested in a designee of the President pursuant to section 202 (a) and held by such designee. Such notice of claim shall be filed with said designee and in such form and containing such particulars as said designee shall require. Said designee may return any property so claimed, or the net proceeds thereof, whenever he shall determine—

(1) that the claimant is a person other than Bulgaria, Hungary, or Rumania, or a national thereof as defined in Executive Order 8389 of April 10, 1940, as amended; and

(2) that the claimant was the owner of such property immediately prior to its vesting, or is the successor in interest of such owner by inheritance, devise, or bequest.

Any person whose claim is finally denied in whole or in part by said designee may obtain review of such denial by filing a petition therefor in the United States Court of Appeals for the District of Columbia Circuit. Such petition for review must be filed within sixty days after the date of mailing of the final order of denial by said designee and a copy must be served on the said designee. Within forty-five days after service of such petition for review, or within such further time as the court may grant for good cause shown, said designee shall file an answer thereto, and shall certify and file with the court a transcript of the entire record of the proceedings with respect to such claim. The court may enter judgment affirming the order of the designee; or upon finding that such order is not in accordance with law or that any material findings upon which such order is based are unsupported by substantial evidence, may enter judgment modifying or setting aside the order in whole or in part, and (1) directing a return of all or part of the property claimed, or (2) remanding the claim for further administrative proceedings thereon. If a notice of claim is filed under this subsection, the property which is the subject of such claim, or, if liquidated, the net proceeds thereof, shall be retained in the custody of said designee until any final order of said designee or any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied, or until a final order of said designee

or a final judgment or decree shall be entered against the claimant, or the claim or suit otherwise terminated.

(c) The sole relief and remedy of any person having any claim to any property vested pursuant to section 202 (a) shall be that provided by the terms of subsection (a) or (b) of this section, and in the event of the liquidation by sale or otherwise of such property, shall be limited to and enforced against the net proceeds received therefrom and held by the designee of the President. The claim of any person based on his ownership of shares of stock or other proprietary interest in a corporation which was the owner of property at the date of vesting thereof under section 202 (a) shall be allowable under subsection (a) or (b) of this section if 25 per centum or more of the outstanding capital stock or other proprietary interest in the corporation was owned at such date by nationals of countries other than Bulgaria, Hungary, Rumania, Germany, or Japan. But no such claim of a national of a foreign country shall be satisfied except after certification by the Department of State that the country of the national accords protection to nationals of the United States in similar types of cases.

(d) The designee of the President may retain or recover from any property, or the net proceeds thereof, returned pursuant to subsection (a) or (b) of this section an amount not exceeding that expended or incurred by him for the conservation, preservation, or maintenance of such property or proceeds.

SEC. 208. (a) Any property vested in the designee of the President pursuant to section 202 (a), or the net proceeds thereof, shall be equitably applied by such designee in accordance with this section to the payment of debts owed by the person who owned such property immediately prior to its vesting in such designee. No debt claim shall be allowed under this section—

(1) if it is asserted against Bulgaria, Hungary, or Rumania (including the government or any political subdivisions, agencies, or instrumentalities thereof); or

(2) if it is based upon an obligation expressed or payable in any currency other than the currency of the United States; or

(3) if it was not due and owing—

(A) on October 9, 1940, in the event the property in respect of which such debt claim is filed was owned immediately prior to vesting by a national of Rumania;

(B) on March 4, 1941, in the event the property in respect of which such debt claim is filed was owned immediately prior to vesting by a national of Bulgaria; or

(C) on March 13, 1941, in the event that the property in respect of which such debt claim is filed was owned immediately prior to vesting by a national of Hungary.

Any defense to the payment of such claim which would have been available to the debtor shall be available to the designee, except that the period from and after December 7, 1941, shall not be included for the purpose of determining the applicability of any statute of limitations. Debt claims allowable under this section shall include only those of natural persons who were citizens of the United States at the dates their debtors became obligated to them; those of other natural persons who are and have been continuously since Decem-

ber 7, 1941, residents of the United States; those of corporations organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia; and those acquired by the designee of the President under this title. Successors in interest by inheritance, devise, bequest, or operation of law of debt claimants, other than persons who would themselves be disqualified hereunder from allowance of a debt claim, shall be eligible for payment to the same extent as their principals or predecessors would have been.

(b) The designee of the President under this title shall fix a date or dates after which the filing of debt claims in respect of any or all debtors shall be barred, and may extend the time so fixed, and shall give at least sixty days' notice thereof by publication in the Federal Register. In no event shall the time extend beyond the expiration of one year from the date of the last vesting in the designee of the President of any property of a debtor in respect to whose debts the date is fixed. No debt shall be paid prior to the expiration of one hundred and twenty days after publication of the first such notice in respect of the debtor, nor in any event shall any payment of a debt claim be made out of any property or proceeds in respect of which a suit or proceeding for return pursuant to this title is pending.

(c) The designee shall examine the claims, and such evidence in respect thereof as may be presented to him or as he may introduce into the record, and shall make a determination, with respect to each claim, of allowance or disallowance, in whole or in part. The determination of the designee that a claim is within either paragraph (1) or (2) of subsection (a) of this section shall be final and shall not be subject to judicial review, and such claim shall not be considered a debt claim for any purpose under this section.

(d) Payment of debt claims shall be made only out of such money included in, or received as net proceeds from the sale, use, or other disposition of, any property owned by the debtor immediately prior to its vesting in the designee of the President, as shall remain after deduction of (1) the amount of the expenses of the designee (including both expenses in connection with such property or proceeds thereof, and such portion as the designee shall fix of his other expenses), and of taxes, as defined in section 212, paid by the designee in respect of such property or proceeds; and (2) such amount, if any, as the designee may establish as a cash reserve for the future payment of such expenses and taxes. If the money available hereunder for the payment of debt claims against the debtor is insufficient for the satisfaction of all claims allowed by the designee, ratable payments shall be made in accordance with subsection (g) of this section to the extent permitted by the money available and additional payments shall be made whenever the designee shall determine that substantial further money has become available, through liquidation of any such property or otherwise. The designee shall not be required, through any judgment of any court, levy of execution, or otherwise, to sell or liquidate any property vested in him, for the purpose of paying or satisfying any debt claim.

(e) If the aggregate of debt claims filed as prescribed does not exceed the money from which, in accordance with subsection (d) of this section, payment may be made, the designee shall pay each claim to the extent allowed, and shall serve by registered mail, on each claimant whose claim is disallowed in whole or in part, a notice

of such disallowance. Within sixty days after the date of mailing of the designee's determination, any debt claimant whose claim has been disallowed in whole or in part may file in the District Court of the United States for the District of Columbia a complaint for review of such disallowance naming the designee as defendant. Such complaint shall be served on the designee. The designee, within forty-five days after service on him, shall certify and file in said court a transcript of the record of proceedings with respect to the claim in question. Upon good cause shown such time may be extended by the court. Such record shall include the claim as filed, such evidence with respect thereto as may have been presented to the designee or introduced into the record by him, and the determination of the designee with respect thereto, including any findings made by him. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the designee, or could not reasonably have been adduced before him or was not available to him. The court shall enter judgment affirming, modifying, or reversing the designee's determination, and directing payment in the amount, if any, which it finds due.

(f) If the aggregate of debt claims filed as prescribed exceeds the money from which, in accordance with subsection (d) of this section, payment may be made, the designee shall prepare and serve by registered mail on all claimants a schedule of all debt claims allowed and the proposed payment to each claimant. In preparing such schedule, the designee shall assign priorities in accordance with subsection (g) of this section. Within sixty days after the date of mailing of such schedule, any claimant considering himself aggrieved may file in the District Court of the United States for the District of Columbia a complaint for review of such schedule, naming the designee as defendant. A copy of such complaint shall be served upon the designee and on each claimant named in the schedule. The designee, within forty-five days after service on him, shall certify and file in said court a transcript of the record of proceedings with respect to such schedule. Upon good cause shown such time may be extended by the court. Such record shall include the claims in question as filed, such evidence with respect thereto as may have been presented to the designee or introduced into the record by him, any findings or other determinations made by the designee with respect thereto, and the schedule prepared by the designee. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the designee or could not reasonably have been adduced before him or was not available to him. Any interested debt claimant who has filed a claim with the designee pursuant to this section, upon timely application to the court, shall be permitted to intervene in such review proceedings. The court shall enter judgment affirming or modifying the schedule as prepared by the designee and directing payment, if any be found due, pursuant to the schedule as affirmed or modified and to the extent of the money from which, in accordance with subsection (d) of this section, payment may be made. Pending the decision of the court on such complaint for review, and pending final determination of any appeal from such decision, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

(g) Debt claims shall be paid in the following order of priority: (1) Wage and salary claims, not to exceed \$600; (2) claims entitled to priority under sections 3466 and 3468 of the Revised Statutes (31 U. S. C., secs. 191 and 193), except as provided in subsection (h) of this section; (3) all other claims for services rendered; for expenses incurred in connection with such services, for rent, for goods and materials delivered to the debtor, and for payments made to the debtor for goods or services not received by the claimant; (4) all other debt claims. No payment shall be made to claimants within a subordinate class unless the money from which, in accordance with subsection (d) of this section, payment may be made permits payment in full of all allowed claims in every prior class.

(h) No debt of any kind shall be entitled to priority under any law of the United States or any State, Territory, or possession thereof, or the District of Columbia, solely by reason of becoming a debt due or owing to the United States as a result of its acquisition by the designee of the President under this title.

(i) The sole relief and remedy available to any person seeking satisfaction of a debt claim out of any property vested in the designee under section 202 (a), or the proceeds thereof, shall be the relief and remedy provided in this section, and suits for the satisfaction of debt claims shall not be instituted, prosecuted, or further maintained except in conformity with this section. No person asserting any interest, right, or title in any property or proceeds acquired by the designee shall be barred from proceeding pursuant to this title for the return thereof, by reason of any proceeding which he may have brought pursuant to this section; nor shall any security interest asserted by the creditor in any such property or proceeds be deemed to have been waived solely by reason of such proceeding. Nothing contained in this section shall bar any person from the prosecution of any suit at law or in equity against the original debtor or against any other person who may be liable for the payment of any debt for which a claim might have been filed hereunder. No purchaser, lessee, licensee, or other transferee of any property from the designee shall, solely by reason of such purchase, lease, license, or transfer, become liable for the payment of any debt owed by the person who owned such property prior to its vesting in the designee. Payment by the designee to any debt claimant shall constitute, to the extent of payment, a discharge of the indebtedness represented by the claim.

SEC. 209. The officer or agency designated by the President under this title to entertain claims under section 207 (b) and section 208 shall have power to hold such hearings as may be deemed necessary; to prescribe rules and regulations governing the form and contents of claims, the proof thereof, and all other matters related to proceedings on such claims; and in connection with such proceedings to issue subpoenas, administer oaths, and examine witnesses. Such powers, and any other powers conferred upon such officer or agency by section 207 (b) and section 208 may be exercised through subordinate officers designated by such officer or agency.

SEC. 210. No suit may be instituted pursuant to section 207 (a) after the expiration of one year from the date of vesting of the property in respect of which relief is sought. No return may be made pursuant to section 207 (b) unless notice of claim has been filed within one year from the date of vesting of the property in respect of which the claim is filed.

SEC. 211. No property or proceeds shall be returned under this title, nor shall any payment be made or judgment awarded in respect of any property vested in any officer or agency designated by the President under this title unless satisfactory evidence is furnished to said designee, 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 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 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 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 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 under this section, or retaining for more than thirty days any portion of a fee, accepted prior to such approval, in excess of the fee as approved, shall be guilty of a violation of this title.

SEC. 212. (a) The vesting in any officer or agency designated by the President under this title of any property or the receipt by such designee of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period before or after such vesting.

(b) The officer or agency designated by the President under this title shall, notwithstanding the filing of any claim or the institution of any suit under this title, pay any tax incident to any such property, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for any such tax accruing while such property, earnings, increment, or proceeds are held by such designee, unless they are returned pursuant to this title without payment of such tax by the designee. Every such tax shall be paid by the designee to the same extent, as nearly as may be deemed practicable, as though the property had not been vested, and shall be paid only out of the property, or earnings, increment, or proceeds thereof, to which they are incident or out of other property acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or the earnings, increment, or proceeds thereof while held by the designee except with his consent. Where any property is transferred, otherwise than pursuant to section 207 (a) or 207 (b) hereof, the designee may transfer the property free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property in the hands of the designee.

(c) Subject to the provisions of subsection (b) of this section, the manner of computing any Federal taxes, including without limitation

by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the designee with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessments, collection, refund, or credit of Federal taxes shall be suspended with respect to any vested property or the earnings, increment, or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

(d) The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate, and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the designee.

SEC. 213. Prior to covering the net proceeds of liquidation of any property into the Treasury pursuant to section 202 (a), the designee of the President under this title shall determine—

(1) the amount of his administrative expenses attributable to the performance of his functions under this title with respect to such property and the proceeds thereof. The amounts so determined, together with an amount not exceeding that expended or incurred for the conservation, preservation, or maintenance of such property and the proceeds thereof, and for taxes in respect of same, shall be deducted and retained by the designee from the proceeds otherwise covered into the Treasury; and

(2) that the time for the institution of a suit under section 207 (a), for the filing of a notice of claim under section 207 (b), and for the filing of debt claims under section 208 has elapsed.

The determinations of the designee under this section shall be final and conclusive.

SEC. 214. No property conveyed, transferred, assigned, delivered, or paid to the designee of the President under this title, or the net proceeds thereof, shall be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court, except as provided in this title.

SEC. 215. Whoever shall willfully violate any provision of this title or any rule or regulation issued hereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President or of a designee of the President under this title, issued in compliance with the provisions of this title shall be fined not more than \$5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both.

TITLE III³

CLAIMS AGAINST BULGARIA, HUNGARY, RUMANIA, ITALY, AND THE SOVIET UNION

SEC. 301. As used in this title the term—

(1) "Person" means a natural person, partnership, association, other unincorporated body, corporation, or body politic.

(2) "National of the United States" means (A) a natural person who is a citizen of the United States, or who owes permanent allegiance to the United States, and (B) a corporation or other legal entity which is organized under the laws of the United States, any State or Territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 per centum of the outstanding capital stock or other beneficial interest in such legal entity. It does not include aliens.

(3) "Treaty of peace", with respect to a country, means the treaty of peace with that country signed at Paris, France, February 10, 1947, which came into force between that country and the United States on September 15, 1947.

(4) "Memorandum of Understanding" means the Memorandum of Understanding between the United States and Italy regarding Italian assets in the United States and certain claims of nationals of the United States, signed at Washington, District of Columbia, August 14, 1947 (61 Stat. 3962).

(5) "Soviet Government" means the Union of Soviet Socialist Republics, including any of its present or former constituent republics, other political subdivisions, and any territories thereof, as constituted on or prior to November 16, 1933.

(6) "Litvinov Assignment" means (A) the communication dated November 16, 1933, from Maxim Litvinov to President Franklin D. Roosevelt, wherein the Soviet Government assigned to the Government of the United States amounts admitted or found to be due it as the successor of prior governments of Russia, or otherwise, preparatory to a final settlement of the claims outstanding between the two Governments and the claims of their nationals; (B) the communication dated November 16, 1933, from President Franklin D. Roosevelt to Maxim Litvinov, accepting such assignment; and (C) the assignments executed by Serge Ughet on August 25, 1933, and November 15, 1933, assigning certain assets to the Government of the United States.

(7) "Russian national" includes any corporation or business association organized under the laws, decrees, ordinances, or acts of the former Empire of Russia or of any government successor thereto, and subsequently nationalized or dissolved or whose assets were taken over by the Soviet Government or which was merged with any other corporation or organization by the Soviet Government.

(8) "Commission" means the Foreign Claims Settlement Commission of the United States, established pursuant to Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279).

(9) "Property" means any property, right, or interest.

SEC. 302. There are hereby created in the Treasury of the United States five funds to be known as the Bulgarian Claims Fund, the Hun-

³ Title III added by Public Law 285, 84th Cong., approved August 9, 1955 (69 Stat. 570).

garian Claims Fund, the Rumanian Claims Fund, the Italian Claims Fund, and the Soviet Claims Fund. The Secretary of the Treasury shall cover into each of the Hungarian, Rumanian, and Bulgarian Claims Funds, the funds attributable to the respective country or its nationals covered into the Treasury pursuant to subsections (a) and (b) of section 202 of this Act. The Secretary of the Treasury shall cover into the Italian Claims Fund the sum of \$5,000,000 paid to the United States by the Government of Italy pursuant to article II of the Memorandum of Understanding. The Secretary shall cover into the Treasury the funds collected by the United States pursuant to the Litinov Assignment (including postal funds due prior to November 16, 1933, to the Union of Soviet Socialist Republics because of money orders certified to that country for payment) and shall cover into the Soviet Claims Fund the funds so covered into the Treasury. The Secretary shall deduct from each claims fund 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this title. Such deduction shall be made before any payment is made out of such fund under section 310. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

SEC. 303. The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims of nationals of the United States against the Governments of Bulgaria, Hungary, and Rumania, or any of them, arising out of the failure to—

(1) restore or pay compensation for property of nationals of the United States as required by article 23 of the treaty of peace with Bulgaria, articles 26 and 27 of the treaty of peace with Hungary, and articles 24 and 25 of the treaty of peace with Rumania. Awards under this paragraph shall be in amounts not to exceed two-thirds of the loss or damage actually sustained;

(2) pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to the effective date of this title, of property of nationals of the United States in Bulgaria, Hungary, and Rumania; and

(3) meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to April 24, 1941, in the case of Bulgaria, and prior to September 1, 1939, in the case of Hungary and Rumania, and which became payable prior to September 15, 1947.

SEC. 304. The Commission shall receive and determine, in accordance with the Memorandum of Understanding and applicable substantive law, including international law, the validity and amount of claims of nationals of the United States against the government of Italy arising out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy.

SEC. 305. (a) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of—

(1) claims of nationals of the United States against a Russian national originally accruing in favor of a national of the United States with respect to which a judgment was entered in, or a warrant of attachment issued from, any court of the United States or of a State of the United States in favor of a national of the United States, with which judgment or warrant of attachment a lien was obtained by a national of the United States, prior to November 16, 1933, upon any property in the United States which has been taken, collected, recovered, or liquidated by the Government of the United States pursuant to the Litvinov Assignment. Awards under this paragraph shall not exceed the proceeds of such property as may have been subject to the lien of the judgment or attachment; nor, in the event that such proceeds are less than the aggregate amount of all valid claims so related to the same property, exceed an amount equal to the proportion which each such claim bears to the total amount of such proceeds; and

(2) claims, arising prior to November 16, 1933, of nationals of the United States against the Soviet Government.

(b) Any judgment entered in any court of the United States or of a State of the United States shall be binding upon the Commission in its determination, under paragraph (1) of subsection (a) of this section, of any issue which was determined by the court in which the judgment was entered.

(c) The Commission shall give preference to the disposition of the claims referred to in paragraph (1) of subsection (a) of this section, over all other claims presented to it under this title.

SEC. 306. Within sixty days after the date of enactment of this title, or within sixty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under this title, which limit shall not be more than one year after such publication, except that with respect to claims under section 305 this limit shall not exceed six months.

SEC. 307. The amount of any award made pursuant to this title based on a claim of a national of the United States other than the national of the United States to whom the claim originally accrued shall not exceed the amount of the actual consideration last paid therefor either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

SEC. 308. The Commission shall as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to this title.

SEC. 309. All payments authorized under this title shall be disbursed exclusively from the claims fund attributable to the country with respect to which the claims are allowed pursuant to this title. All amounts covered into the Treasury to the credit of the claims funds created by section 302 are hereby permanently appropriated for the making of the payments authorized under this title.

SEC. 310. (a) The Secretary of the Treasury shall make payments on account of awards certified by the Commission pursuant to this title as follows:

112 INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949[§§ 310-312]

(1) Payment in full of the principal amount of each award made pursuant to section 305 (a) (1) and each award of \$1,000 or less made pursuant to section 303 or 304;

(2) Payment in full of the principal amount of each award of \$1,000 or less made pursuant to section 305 (a) (2);

(3) Payment in the amount of \$1,000 on account of the principal of each award of more than \$1,000 in amount made pursuant to section 303, 304, or 305 (a) (2);

(4) After completing the payments under the preceding paragraphs of this subsection from any one fund, payments from time to time, in ratable proportions, on account of the then unpaid principal of all awards in the principal amount of more than \$1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution on account of such awards at the time such payments are made;

(5) After payment has been made in full of the principal amounts of all awards from any one fund, pro rata payments from the remainder of such fund then available for distribution on account of accrued interest on such awards as bear interest.

(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

(c) For the purposes of making any such payments, an "award" shall be deemed to mean the aggregate of all awards certified in favor of the same claimant and payable from the same fund.

(d) With respect to any claim which, at the time of the award, is vested in persons other than the person to whom the claim originally accrued, 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 provided by this section in all respects as if the award had been in favor of a single person.

SEC. 311. (a) If a corporation or other legal entity has a claim on which an award may be made under this title, no award may be made to any other person under this title with respect to such claim.

(b) A claim based upon an interest, direct or indirect, in a corporation or other legal entity which directly suffered the loss with respect to which the claim is asserted, but which was not a national of the United States at the time of the loss, shall be acted upon without regard to the nationality of such legal entity if at the time of the loss at least 25 per centum of the outstanding capital stock or other beneficial interest in such entity was owned, directly or indirectly, by natural persons who were nationals of the United States.

SEC. 312. No award shall be made under this title to or for the benefit of any person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II, or who has been convicted of a violation of any provision of chapter 115, of title 18, of the United States Code, or of any other crime involving disloyalty to the United States.

SEC. 313. Payment of any award made pursuant to section 303 or 305 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 the appropriate foreign government or national for the unpaid balance of his claim or for restitution of his property. All awards or payments made pursuant to this title shall be without prejudice to the claims of the United States against any foreign government.

SEC. 314. The action of the Commission in allowing or denying any claim under this title shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General shall allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

SEC. 315. There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses incurred in carrying out their functions under this title.

SEC. 316. The Commission shall complete its affairs in connection with the settlement of claims pursuant to section 305 (a) (1) not later than two years, and all other claims pursuant to this title not later than four years, following the date of enactment of this title, or following the date of enactment of legislation making appropriations to the Commission for the payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later.

SEC. 317. (a) The total remuneration paid to all agents, attorneys-at-law or in fact, or representatives, for services rendered on behalf of any claimant in connection with any claim filed with the Commission shall not exceed 10 per centum of the total amount paid under this title on account of such claim, or such greater amount as may be determined pursuant to subsection (b) of this section. 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 which, together with all remuneration paid to other persons on account of such services and of which he has notice, is in excess of the maximum permitted by this section, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

(b) Not later than three months after the Commission has completed its affairs in connection with the settlement of all claims payable from the fund from which an award is payable, any agent, attorney-at-law or in fact, or representative who believes that the total remuneration for services rendered in connection with the claim upon which such award is made should exceed the maximum otherwise permitted by this section may, pursuant to such procedure as the Commission shall prescribe by regulation, petition the Commission for an order authorizing the payment of remuneration in excess of such maximum. The Commission shall issue such an order only upon a finding that there exist special circumstances of unusual hardship which require the payment of such excess; and such order shall state the amount of the excess which may so be paid. The

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determination of the Commission in ruling upon such petition shall be within the sole discretion of the Commission and shall not be subject to review by any court.

Sec. 318. The following provisions of title I shall be applicable to this title: Subsections (b) (c), (d), (e), (h), and (j) of section 4; and subsections (c), (d), (e), and (f) of section 7.

Approved March 10, 1950.

APPENDIX

Containing certain other statutes relating to enemy property or war claims, certain relevant Executive orders, extracts from reorganization plans, treaties, and international agreements.*

*It has not been practicable to include all materials of this nature.

APPENDIX

[EXTRACT FROM PUBLIC NO. 181, 65TH CONGRESS]

[40 Stat. L. 646]

All taxes heretofore or hereafter lawfully assessed by any body politic against money or other property held by the alien property custodian shall be paid out of such money or other property, and if that be insufficient, shall be charged thereto and paid out of any other moneys or properties required from the same enemy or ally of enemy.¹

Approved, July 1, 1918.

[PUBLIC RESOLUTION NO. 64—66TH CONGRESS]

[41 Stat. L. 1359]

JOINT RESOLUTION Declaring that certain Acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the interpretation of any provision relating to the duration or date of the termination of the present war or of the present or existing emergency, meaning thereby the war between the Imperial German Government and the Imperial and Royal Austro-Hungarian Government and the Government and people of the United States, in any Acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the duration or the date of the termination of such war or of such present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any Act of Congress or joint resolution providing any other mode of determining the date of such termination. And any Act of Congress, or any provision of any such Act, that by its terms is in force only during the existence of a state of war, or during such state of war and a limited period of time thereafter, shall be construed and administered as if such war between the Governments and people aforesaid terminated on the date when this resolution becomes effective, any provision of such law to the contrary notwithstanding; excepting, however, from the operation and effect of this resolution the following Acts and proclamations, to wit: Title 2 of the Act entitled "The

¹ See first two sentences of section 24 (a) of the Trading With the Enemy Act.

Food Control and District of Columbia Rents Act," approved October 22, 1919 (Forty-first Statutes, page 297), the Act known as the Trading with the Enemy Act, approved October 6, 1917 (Fortieth Statutes, page 411), and all amendments thereto, and the First, Second, Third, and Fourth Liberty Bond Acts, the Supplement to the Second Liberty Bond Act, and the Victory Liberty Loan Act; titles 1 and 3 of the War Finance Corporation Act (Fortieth Statutes, page 506) as amended by the Act approved March 3, 1919 (Fortieth Statutes, page 1313), and Public Resolution Numbered 55, Sixty-sixth Congress, entitled "Joint resolution directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes," passed January 4, 1921; also the proclamations issued under the authority conferred by the Acts herein excepted from the effect and operation of this resolution: *Provided, however*, That nothing herein contained shall be construed as effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the selective service law, approved May 18, 1917 (Fortieth Statutes, page 76), of any person who failed to comply with the provisions of said Act, or of Acts amendatory thereof: *Provided further*, That the Act, entitled "An Act to amend section 3, title 1, of the Act entitled 'An Act to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917 (Fortieth Statutes, page 217), and for other purposes," approved May 16, 1918 (Fortieth Statutes, page 553), be, and the same is hereby repealed, and that said section 3 of said Act approved June 15, 1917, is hereby revived and restored with the same force and effect as originally enacted.

Nothing herein contained shall be held to exempt from prosecution or to relieve from punishment any offense heretofore committed in violation of any Act hereby repealed or which may be committed while it remains in force as herein provided.

Approved, March 3, 1921.

[PUBLIC RESOLUTION No. 8—67TH CONGRESS]

[42 Stat. L. 105]

JOINT RESOLUTION Terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or ad-

vantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

SEC. 3. That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917, is hereby declared at an end.

SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Saint Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectfully made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and

also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America.

SEC. 6. Nothing herein contained shall be construed to repeal, modify or amend the provisions of the joint resolution "declaring that certain Acts of Congress, joint resolutions and proclamations shall be construed as if the war had ended and the present or existing emergency expired," approved March 3, 1921, or the passport control provisions of an Act entitled "An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1922," approved March 2, 1921; nor to be effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the Selective Service law, approved May 18, 1917, of any person who failed to comply with the provisions of said Act, or of Acts amendatory thereof.

Approved, July 2, 1921.

[PUBLIC RESOLUTION—No. 77—71ST CONGRESS]

[46 Stat. 488]

JOINT RESOLUTION Authorizing the immediate appropriations of certain amounts authorized to be appropriated by the Settlement of War Claims Act of 1928.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sums authorized by subsection (p) of section 3 of the Settlement of War Claims Act of 1928 to be appropriated after the date on which the awards of the war claims arbiter, under section 3 of such Act are certified to the Secretary of the Treasury, are hereby authorized to be appropriated at any time, but shall not be available until after such date.

Approved, May 29, 1930.

[EXTRACT FROM PUBLIC RESOLUTION No. 53, 73D CONGRESS]

[48 Stat. 1267]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so long as Germany is in arrears in any payments of principal or interest, including interest at the rate of 5 per centum per annum on principal installments not paid when due, under the debt-funding agreement between Germany and the United States, dated June 23, 1930, with respect to Germany's

obligations remaining on account of awards, including interest thereon, entered and to be entered by the Mixed Claims Commission, United States and Germany, all payments, conveyances, transfers, or deliveries of money or property or the income, issues, profits, and/or avails thereof authorized or directed to be made under the Trading with the Enemy Act, as amended, or the Settlement of War Claims Act of 1928, as amended, whether or not a judgment or decree has been entered with respect thereto, shall be postponed and the money or property, or the income, issues, profits, and/or avails thereof reserved: *Provided, however*, That such of the funds as are from time to time available (without taking into consideration interest thereafter accruing) under the Settlement of War Claims Act of 1928, as amended, for the payment of principal and interest upon awards of said Mixed Claims Commission shall be applied when available to the payment of principal and interest upon such awards in the same manner and to the same extent as though certain of the payments provided for in said Act had not been postponed under this resolution: *Provided further*, That the President may, in his sole discretion, remove the restriction as to any of the cases or classes of cases in relation to which payments, conveyances, transfers, or deliveries have been postponed under this resolution: *And provided further*, That the President is authorized to determine, for the purposes of this resolution, the period or periods in which Germany is in arrears in the payments hereinbefore described, and his determination thereof shall not be subject to judicial review.

* * * * *

Approved June 27, 1934.

[PUBLIC RESOLUTION—No. 69—76TH CONGRESS]

[54 Stat. 179]

JOINT RESOLUTION To amend section 5 (b) of the Act of October 6, 1917, as amended, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. 411), as amended, is hereby amended to read as follows:

"During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by or to banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, and any transfer, withdrawal or exportation of, or dealing in, any evidences of indebtedness or evidences of ownership of property in which any foreign state or a national or political subdivision thereof, as defined by the President, has any interest, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person to furnish under oath, complete information relative to any transaction referred to in this subdivision or to any property in which

any such foreign state, national or political subdivision has any interest, including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed."

SEC. 2. Executive Order Numbered 8389² of April 10, 1940, and the regulations and general rulings issued thereunder by the Secretary of the Treasury are hereby approved and confirmed.

SEC. 3. Nothing in this Joint Resolution shall be deemed to repeal or to modify in any manner any of the provisions of the Act of April 13, 1934, 48 Stat. 574 (the Johnson Act) or of the Neutrality Act of 1939 (Public Resolution Numbered 54, Seventy-sixth Congress).

Approved, May 7, 1940.

[EXTRACT FROM FIRST WAR POWERS ACT, 1941, PUBLIC LAW 354,
77TH CONGRESS]

[55 Stat. 840]

* * * * *

SEC. 302. All acts, actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made, or issued by, or pursuant to the direction of, the President or the Secretary of the Treasury under the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, which would have been authorized if the provisions of this Act and the amendments made by it had been in effect, are hereby approved, ratified, and confirmed.

* * * * *

Approved December 18, 1941.

[EXTRACT FROM PUBLIC LAW 529, 78TH CONGRESS]

[58 Stat. 855]

* * * * *

Provided further, That after June 30, 1945, the Office of Alien Property Custodian shall not incur any obligations for the expenses of said Office except pursuant to a further annual authorization by the Congress specifically therefor:

* * * * *

Approved December 22, 1944.

[PHILIPPINE PROPERTY ACT OF 1946, PUBLIC LAW 485—79TH CONGRESS]

[60 Stat. 418]

AN ACT To provide for the retention by the United States Government or its agencies or instrumentalities of real and personal property within the Philippines now owned or later acquired and for the administration of the Trading With the Enemy Act of October 6, 1917, as amended, in the Philippines, subsequent to independence.

² The text of this order is printed at page 131 of this booklet.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Philippine Property Act of 1946".

SEC. 2. There shall remain vested in the Government of the United States or its agencies or instrumentalities all the right, title, and interest of the said Government or its agencies or instrumentalities to all real and personal property within the Philippine Islands as may now be vested in, or later be acquired by the Government of the United States or any of its agencies or instrumentalities.

SEC. 3. The Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, shall continue in force in the Philippines after July 4, 1946, and all powers and authority conferred upon the President of the United States or the Alien Property Custodian by the terms of the said Trading With the Enemy Act, as amended, with respect to the Philippines, shall continue thereafter to be exercised by the President of the United States, or such officer or agency as he may designate: *Provided*, That all property vested in or transferred to the President of the United States, the Alien Property Custodian, or any such officer or agency as the President of the United States may designate under the Trading With the Enemy Act, as amended, which was located in the Philippines at the time of such vesting, or the proceeds thereof, and which shall remain after the satisfaction of any claim payable under the Trading With the Enemy Act, as amended, and after the payment of such costs and expenses of administration as may by law be charged against such property or proceeds, shall be transferred by the President of the United States to the Republic of the Philippines: *Provided further*, That such property, or proceeds thereof, may be transferred by the President of the United States to the Republic of the Philippines upon indemnification acceptable to the President of the United States by the Republic of the Philippines for such claims, costs, and expenses of administration as may by law be charged against such property or proceeds thereof before final adjudication of such claims, costs, and expenses of administration: *Provided further*, That the courts of first instance of the Republic of the Philippines are hereby given jurisdiction to make and enter all such rules as to notice or otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce any orders, rules, and regulations issued by the President of the United States, the Alien Property Custodian, or such officer or agency designated by the President of the United States pursuant to the Trading With the Enemy Act, as amended, with such right of appeal therefrom as may be provided by law: *And provided further*, That any suit authorized under the Trading With the Enemy Act, as amended, with respect to property vested in or transferred to the President of the United States, the Alien Property Custodian, or any officer or agency designated by the President of the United States hereunder, which at the time of such vesting or transfer was located within the

Philippines, shall after July 4, 1946, be brought, in the appropriate court of first instance of the Republic of the Philippines, against the officer or agency hereunder designated by the President of the United States with such right of appeal therefrom as may be provided by law. In any litigation authorized under this section, the officer or administrative head of the agency designated hereunder may appear personally, or through attorneys appointed by him, without regard to the requirements of law other than this section.³

SEC. 4. In respect to property not transferable to the Republic of the Philippines under section 3 of this Act, the President of the United States is authorized, in his discretion and under such terms and conditions as he may deem appropriate, to transfer to the Republic of the Philippines any or all of the right, title, and interest of the Government of the United States or its agencies or instrumentalities to any or all real and personal property vested in such agencies or instrumentalities.

SEC. 5. Immediately upon passage of this Act the Alien Property Custodian of the United States shall enter into an agreement with the President of the Philippines to transfer to the Philippine Government for a nominal cash consideration all shares now vested or hereafter vested by the Alien Property Custodian of corporations owning in fee, leasing, or otherwise operating or controlling agricultural lands in the Philippines, other agricultural lands in the Philippines, vested or hereafter vested by the Alien Property Custodian not included in the foregoing, and improved property in Manila vested or hereafter vested by the Alien Property Custodian which in his judgment is urgently needed for the operation of an administrative agency of the Philippine Government: *Provided*, That in respect to property transferred under this section to the Philippine Government, it shall be made a part of the agreement that the Philippine Government shall fully indemnify the United States for all claims payable under the Trading With the Enemy Act, as amended, and for all such costs and expenses of administration as may by law be charged against such property or proceeds thereof.

SEC. 6. Nothing contained in this Act shall be construed as amending the provisions of the Act of March 24, 1934 (48 Stat. 456), as amended, respecting naval reservations and fueling stations, and diplomatic or consular property, and the property of the High Commissioner to the Philippine Islands, nor as amending the provisions of the joint resolution of June 29, 1944 (Public Law 380, Seventy-eighth Congress), respecting bases for the mutual protection of the Philippine Islands and the United States.

SEC. 7. For the purposes of this Act the term "Philippine Government" shall mean "Government of the Commonwealth of the Philippines" until the date of independence, and thereafter it shall mean the "Government of the Republic of the Philippines".

Approved July 3, 1946.

³ See Public Law 885, 81st Cong., approved December 21, 1950, printed at page 129 of this booklet, which amended this section.

[PUBLIC LAW 370—80TH CONGRESS]

[61 Stat. 784]

JOINT RESOLUTION To provide for returns of Italian property in the United States, and for other purposes.

Whereas article 79 of the Treaty of Peace with Italy, signed at Paris on February 10, 1947, grants to the Allied and Associated Powers the right to seize and retain "all property rights and interests which on the coming into force of the present treaty are within its territory and belong to Italy or to Italian nationals, and to apply such property or the proceeds thereof to such purposes as it may desire, within the limits of its claims and those of its nationals against Italy or Italian nationals, including debts, other than claims fully satisfied under other articles of the present treaty" and further provides that "All Italian property, or the proceeds thereof, in excess of the amount of such claims, shall be returned"; and

Whereas, pursuant to article 79 of the treaty of peace, negotiations have been entered into between the Governments of the United States and of Italy looking toward an agreement under which, upon the return of property, formerly Italian, in the United States, Italy will place at the disposal of the United States funds to be used in meeting certain claims of nationals of the United States; and

Whereas, for the purpose of carrying out such agreement, it is desirable to authorize, in accordance with the procedures provided for in section 32 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, return to Italy or citizens or subjects of Italy, or corporations or associations organized under the laws of Italy, of property vested in or transferred to the United States or its agencies; and

Whereas, for the purpose of aiding the revival of the Italian economy and establishing it on a self-sustaining basis, it is desirable that there be returned or transferred to Italy those Italian vessels acquired by the United States after December 7, 1941, for use in the war effort and now owned by the United States and vessels of a total tonnage approximately equal to the tonnage of those Italian vessels seized by the United States after September 1, 1939, and lost while being employed in the United States war effort: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, or such officer or agency as he may designate, is hereby authorized to return, in accordance with the procedures provided for in section 32 of the Trading With the Enemy Act, as amended, any property or interest, or the net proceeds thereof, which has been, since December 18, 1941, vested in or transferred to any officer or agency of the United States pursuant to the Trading With the Enemy Act, as amended, and which immediately prior to such vesting or transfer was the property or interest of Italy or a citizen or subject of Italy, or a corporation or association organized under the laws of Italy.

NOTE.—Sections 2 and 3 of this Joint Resolution amended sections 32 and 33 of the Trading With the Enemy Act.

SEC. 4. The President is authorized upon such terms as he deems necessary (a) to transfer to the Government of Italy all vessels which

were under Italian registry and flag on September 1, 1939, and were thereafter acquired by the United States and are now owned by the United States; and (b) with respect to any vessel under Italian registry and flag on September 1, 1939, and subsequently seized in United States ports and thereafter lost while being employed in the United States war effort, to transfer to the Government of Italy surplus merchant vessels of the United States of a total tonnage approximately equal to the total tonnage of the Italian vessels lost: *Provided*, That no monetary compensation shall be paid either for the use by the United States or its agencies of former Italian vessels so acquired or seized or for the return or transfer of such vessels or substitute vessels.

Approved August 5, 1947.

[PUBLIC LAW 380—80TH CONGRESS]

[61 Stat. 794]

AN ACT To carry into effect certain parts relating to patents of the treaties of peace with Italy, Bulgaria, Hungary, and Rumania, ratified by the Senate on June 5, 1947, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Convention for the Protection of Industrial Property of 1883, as amended, is considered as reestablished and in full force and effect between the United States and Italy, Bulgaria, Hungary, and Rumania from the date of this Act and the nationals of the latter countries may hereafter apply for and obtain patents in the United States for their inventions and enjoy the rights and privileges thereof as provided in article 2 of said convention: *Provided, however*, That patents shall not be applied for or obtained, or if obtained, shall not be valid, for inventions heretofore made relating to war material as specified in article 6 of annex XV A of the Treaty of Peace with Italy, article 6 of annex IV of the Treaty of Peace with Bulgaria, article 6 of annex IV A of the Treaty of Peace with Hungary, and article 6 of annex IV A of the Treaty of Peace with Rumania.

SEC. 2. The rights of priority and the times for the taking of any action specified in sections 1 and 3 of Public Law 690, Seventy-ninth Congress, approved August 8, 1946, which had not expired on December 8, 1941, or which commenced after such date, shall be and are hereby extended until February 29, 1948, in favor of nationals of Italy, Bulgaria, Hungary, and Rumania, subject to the conditions and limitations specified in sections 1, 3, 4, and 10 of said Public Law 690: *Provided, however*, That nothing in this Act shall affect any act which has been or shall be done by virtue of special measures taken under legislative, executive, administrative, or military authority of the United States during World War II.

SEC. 3. Nationals of Germany and Japan may hereafter apply for and obtain patents in the United States for their inventions in accordance with the patent laws and enjoy the rights and privileges thereof: *Provided, however*, That patents obtained for such inventions shall be subject to any conditions and limitations with respect to duration, revocation, utilization, assignment, and licensing which may be im-

posed by Congress, or by the President in accordance with the provisions of any peace treaty hereafter entered into with Germany or Japan: *And provided further*, That, except for patents based on applications filed in the United States Patent Office prior to the date of enactment of this Act, patents may not be applied for or obtained, or if obtained, shall not be valid, for any invention made, or upon which an application was filed by any such national, before January 1, 1946, in Germany or Japan or in the territory of any other of the Axis Powers or in any territory occupied by the Axis forces.

Approved August 6, 1947.

[PUBLIC LAW 17—81ST CONGRESS]

[63 Stat. 12]

AN ACT To authorize payment of claims based on loss of or damage to property deposited by alien enemies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby authorized to consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of \$1,000, when accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or after December 7, 1941, for damage to, or loss or destruction of, personal property, the use, operation, possession, custody, or control of which was prohibited by proclamation Numbered 2525, dated December 7, 1941, and proclamations Numbered 2526 and Numbered 2527, dated December 8, 1941 (55 Stat. pt. 2, pp. 1700, 1705, and 1707), the possession of which property was not prohibited by law prior to said promulgations and which was deposited by alien enemies or United States citizens of Japanese ancestry in the manner provided in the regulations promulgated by the Attorney General on February 5, 1942, as amended (7 Fed. Reg. 844; 28 C. F. R. 30.1-30.16): *Provided*, That the damage to or loss or destruction of property shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee, and that the claim is substantiated in such manner as the Attorney General may by regulation prescribe: *Provided further*, That nothing in this Act shall be construed to authorize the Attorney General to pay or settle any claims for damage to or loss or destruction of property which had been used for espionage or other illegal purposes on or before December 7, 1941.

SEC. 2. No claim shall be considered unless presented in writing within one year after the date of enactment of this Act.

SEC. 3. Any decision or settlement made by the Attorney General under the authority of this Act and such regulations as he may prescribe shall be final and conclusive, notwithstanding any other provision of law to the contrary.

SEC. 4. The Attorney General may report such claims as exceed \$1,000 to Congress for its consideration.

SEC. 5. Such appropriations as may be required for the settlement of claims under this Act are hereby authorized.

Approved March 15, 1949.

[PUBLIC LAW 857—81ST CONGRESS]

[64 Stat. 1079]

JOINT RESOLUTION Authorizing the President, or such officer or agency as he may designate, to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, or such officer or agency as he may designate, is authorized to conclude and give effect to agreements to further the amicable and expeditious settlement of intercustodial conflicts involving enemy property, subject to the following:

(1) The authority herein granted shall extend only to agreements with governments with which the United States was not at war in World War II.

(2) Such agreements shall be in accordance with the policy of protecting and making available for utilization the American and nonenemy interests in such property and further the elimination of enemy interests in such property and the efficient administration and liquidation of enemy property in the United States.

(3) For the purposes of this resolution, the United States as to any intergovernmental agreements hereafter negotiated shall seek treatment equal to that accorded United States nationals for persons who, although citizens or residents of an enemy country before or during World War II, were deprived of full rights of citizenship or substantially deprived of liberty by laws, decrees, or regulations of such enemy country discriminating against racial, religious, or political groups: *Provided*, That on the effective date of this resolution such persons were (1) permanent residents of the United States and (2) had declared their intention to become citizens of the United States in conformity with the provisions of the Nationality Act of 1940, as amended; and that such persons shall have acquired citizenship of the United States prior to the effective date of any intergovernmental agreement hereafter negotiated.

(4) Reimbursement to the United States by other governments pursuant to such agreements shall be administered as vested property: *Provided*, That nothing contained in this Act shall hinder, restrict or limit the payment of claims from the War Claims Fund established by section 13 of the War Claims Act of 1948 (Public Law 896, 80th Congress, July 3, 1948; 62 Stat. 1240; 50 U. S. C. App. 2001-2013), as amended.

Approved September 28, 1950.

[PUBLIC LAW 859—81ST CONGRESS]

[64 Stat. 1080]

AN ACT To amend section 32 (a) (2) of the Trading With the Enemy Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (D) of paragraph (2) of section 32 (a) of the Trading With the Enemy Act, as amended, is amended by inserting after the words

“citizenship under the law of such nation” a colon and the following: “*And provided further*, That, notwithstanding the provisions of subdivision (C) hereof and of this subdivision (D), return may be made to an individual who at all times since December 7, 1941, was a citizen of the United States, or to an individual who, having lost United States citizenship solely by reason of marriage to a citizen or subject of a foreign country, reacquired such citizenship prior to the date of enactment of this proviso if such individual would have been a citizen of the United States at all times since December 7, 1941, but for such marriage: *And provided further*, That the aggregate value of returns made pursuant to the foregoing proviso shall not exceed \$5,000,000; and in making returns under such proviso the Alien Property Custodian shall to the extent practicable make such returns in the order in which notices of claims therefor were received and may return any property or interest if the value thereof, taken together with the aggregate value of property and interests already returned pursuant to such proviso, does not exceed \$5,000,000;”.

SEC. 2. There shall be included in the report made to Congress pursuant to section 6 of the Trading With the Enemy Act, as amended, a statement of (1) the names and nationalities of persons who have filed notice of claim for the return of any property or interest under section 1 of this Act, the date of the filing of such notice of claim, and the estimated value of the property or interest, and (2) the names and nationalities of persons to whom returns have been made of any property or interest under section 1 of this Act and the value of such property or interest.

Approved September 29, 1950.

[PUBLIC LAW 885—81ST CONGRESS]

[64 Stat. 1116]

AN ACT To amend the Philippine Property Act of 1946.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the final proviso of section 3 of the Philippine Property Act of 1946 (60 Stat. 418) is hereby amended to read as follows: “*And provided further*, That any suit authorized under the Trading With the Enemy Act, as amended, with respect to property vested in or transferred to the President of the United States, the Alien Property Custodian, or any officer or agency designated by the President of the United States hereunder, which at the time of such vesting or transfer was located within the Philippines, shall after July 4, 1946, be brought, in the appropriate court of first instance of the Republic of the Philippines, against the officer or agency hereunder designated by the President of the United States with such right of appeal therefrom as may be provided by law, but suits with respect to such property shall after ninety days from the enactment of this Act be brought only in the courts of the United States.”

Approved December 21, 1950.

[PUBLIC LAW 181—82D CONGRESS]

[65 Stat. 451]

JOINT RESOLUTION To terminate the state of war between the United States and the Government of Germany.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war declared to exist between the United States and the Government of Germany by the joint resolution of Congress approved December 11, 1941, is hereby terminated and such termination shall take effect on the date of enactment of this resolution: *Provided, however,* That notwithstanding this resolution and any proclamation issued by the President pursuant thereto, any property or interest which prior to January 1, 1947, was subject to vesting or seizure under the provisions of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, or which has heretofore been vested or seized under that Act, including accruals to or proceeds of any such property or interest, shall continue to be subject to the provisions of that Act in the same manner and to the same extent as if this resolution had not been adopted and such proclamation had not been issued. Nothing herein and nothing in such proclamation shall alter the status, as it existed immediately prior hereto, under that Act, of Germany or of any person with respect to any such property or interest.

Approved October 19, 1951.

[EXTRACT FROM PUBLIC LAW 110, 84TH CONGRESS]

[69 Stat. 194]

PAYMENT OF WORLD WAR II CLAIMS

* * * * *

Provided further, That unless otherwise authorized by law no claims shall be allowed or paid under the provisions of said War Claims Act of 1948 from any funds other than those covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended, as provided by section 13 (a) of said War Claims Act of 1948.

* * * * *

Approved June 29, 1955.

[NOTE.—Similar provisions were contained in prior appropriation acts.]

[EXTRACT FROM PUBLIC LAW 133, 84TH CONGRESS]

[69 Stat. 273]

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OFFICE OF ALIEN PROPERTY

SALARIES AND EXPENSES

The Attorney General, or such officer as he may designate, is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended (50 U. S. C. App.), necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Act: *Provided*, That not to exceed \$2,800,000 shall be available in the current fiscal year for the general administrative expenses of the Office of Alien Property, including rent of private or Government-owned space in the District of Columbia; and expenses of attendance at meetings of organizations concerned with the purposes of this authorization: *Provided further*, That on or before November 1 of the current fiscal year, the Attorney General shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred during the next preceding fiscal year in connection with the activities of the Office of Alien Property: *Provided further*, That of the total amount herein authorized the amount of \$100,000 is to be transferred to the appropriation for "Salaries and expenses, general administration", Justice.

* * * * *

Approved July 7, 1955.

[NOTE.—Similar provisions were contained in prior appropriation acts.]

EXECUTIVE ORDER NO. 8389, OF APRIL 10, 1940, AS AMENDED

By virtue of and pursuant to the authority vested in me by section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, by virtue of all other authority vested in me, and by virtue of the existence of a period of unlimited national emergency, and finding that this Order is in the public interest and is necessary in the interest of national defense and security, I, Franklin D. Roosevelt, President of the United States of America, do prescribe the following:

Executive Order No. 8389 of April 10, 1940, as amended, is amended to read as follows:

SECTION 1. All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise, if (i) such

transactions are by, or on behalf of, or pursuant to the direction of any foreign country designated in this Order, or any national thereof, or (ii) such transactions involve property in which any foreign country designated in this Order, or any national thereof, has at any time on or since the effective date of this Order had any interest of any nature whatsoever, direct or indirect:

A. All transfers of credit between any banking institutions within the United States; and all transfers of credit between any banking institution within the United States and any banking institution outside the United States (including any principal, agent, home office, branch, or correspondent outside the United States, of a banking institution within the United States);

B. All payments by or to any banking institution within the United States;

C. All transactions in foreign exchange by any person within the United States;

D. The export or withdrawal from the United States, or the earmarking of gold or silver coin or bullion or currency by any person within the United States;

E. All transfers, withdrawals or exportations of, or dealings in, any evidences of indebtedness or evidences of ownership of property by any person within the United States; and

F. Any transaction for the purpose or which has the effect of evading or avoiding the foregoing prohibitions.

SEC. 2.

A. All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise:

(1) The acquisition, disposition or transfer of, or other dealing in, or with respect to, any security or evidence thereof on which there is stamped or imprinted, or to which there is affixed or otherwise attached, a tax stamp or other stamp of a foreign country designated in this Order or a notarial or similar seal which by its contents indicates that it was stamped, imprinted, affixed or attached within such foreign country, or where the attendant circumstances disclose or indicate that such stamp or seal may, at any time, have been stamped, imprinted, affixed or attached thereto; and

(2) The acquisition by, or transfer to, any person within the United States of any interest in any security or evidence thereof if the attendant circumstances disclose or indicate that the security or evidence thereof is not physically situated within the United States.

B. The Secretary of the Treasury may investigate, regulate, or prohibit under such regulations, rulings, or instructions as he may prescribe, by means of licenses or otherwise, the sending, mailing, importing or otherwise bringing, directly or indirectly, into the United States, from any foreign country, of any securities or evidences thereof or the receiving or holding in the United States of any securities or evidences thereof so brought into the United States.

SEC. 3. The term "foreign country designated in this Order" means a foreign country included in the following schedule, and the term "effective date of this Order" means with respect to any such foreign

country, or any national thereof, the date specified in the following schedule:

- | | |
|--|---|
| (a) April 8, 1940—
Norway and
Denmark; | (j) June 14, 1941—
Albania,
Andorra,
Austria,
Czechoslovakia,
Danzig,
Finland,
Germany,
Italy,
Liechtenstein,
Poland,
Portugal,
San Marino,
Spain,
Sweden,
Switzerland, and
Union of Soviet Social-
ist Republics; |
| (b) May 10, 1940—
The Netherlands,
Belgium, and
Luxembourg; | (k) June 14, 1941—
China, and
Japan; |
| (c) June 17, 1940—
France (including
Monaco); | (l) June 14, 1941—
Thailand; |
| (d) July 10, 1940—
Latvia,
Estonia, and
Lithuania; | (m) June 14, 1941—
Hong Kong. |
| (e) October 9, 1940—
Rumania; | |
| (f) March 4, 1941—
Bulgaria; | |
| (g) March 13, 1941—
Hungary; | |
| (h) March 24, 1941—
Yugoslavia; | |
| (i) April 28, 1941—
Greece; | |

The "effective date of this Order" with respect to any foreign country not designated in this Order shall be deemed to be June 14, 1941.

SEC. 4.

A. The Secretary of the Treasury and/or the Attorney General may require, by means of regulations, rulings, instructions, or otherwise, any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, from time to time and at any time or times, complete information relative to, any transaction referred to in section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, or relative to any property in which any foreign country or any national thereof has any interest of any nature whatsoever, direct or indirect, including the production of any books of account, contracts, letters, or other papers, in connection therewith, in the custody or control of such person, either before or after such transaction is completed; and the Secretary of the Treasury and/or the Attorney General may, through any agency, investigate any such transaction or act, or any violation of the provisions of this Order.

B. Every person engaging in any of the transactions referred to in sections 1 and 2 of this Order shall keep a full record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least one year after the date of such transaction.

SEC. 5.

A. As used in the first paragraph of section 1 of this Order "transactions [which] involve property in which any foreign country des-

ignated in this Order, or any national thereof, has * * * any interest of any nature whatsoever, direct or indirect," shall include, but not by way of limitation (i) any payment or transfer to any such foreign country or national thereof, (ii) any export or withdrawal from the United States to such foreign country, and (iii) any transfer of credit, or payment of an obligation, expressed in terms of the currency of such foreign country.

B. The term "United States" means the United States and any place subject to the jurisdiction thereof, and the term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska; provided, however, that for the purposes of this Order the term "United States" shall not be deemed to include any territory included within the term "foreign country" as defined in paragraph D of this section.

C. The term "person" means an individual, partnership, association, corporation, or other organization.

D. The term "foreign country" shall include, but not by way of limitation,

(i) The state and the government thereof on the effective date of this Order as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession, or place subject to the jurisdiction thereof,

(ii) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise *de jure* or *de facto* sovereignty over the area which on such effective date constituted such foreign country, and

(iii) Any territory which on or since the effective date of this Order is controlled or occupied by the military, naval, or police forces or other authority of such foreign country,

(iv) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing,

Hong Kong shall be deemed to be a foreign country within the meaning of this subdivision.

E. The term "national" shall include,

(i) Any person who has been domiciled in, or subject, citizen or resident of a foreign country at any time on or since the effective date of this Order.

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined,

(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or

indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

F. The term "banking institution" as used in this Order shall include any person engaged primarily or incidentally in the business of banking, of granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or broker; and, each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution."

G. The term "this Order," as used herein, shall mean Executive Order No. 8389 of April 10, 1940, as amended.

SEC. 6. Executive Order No. 8389 of April 10, 1940, as amended, shall no longer be deemed to be an amendment to or a part of Executive Order No. 6560 of January 15, 1934. Executive Order No. 6560 of January 15, 1934, and the Regulations of November 12, 1934, are hereby modified insofar as they are inconsistent with the provisions of this Order, and except as so modified, continue in full force and effect. Nothing herein shall be deemed to revoke any license, ruling, or instruction now in effect and issued pursuant to Executive Order No. 6560 of January 15, 1934, as amended, or pursuant to this Order: *Provided however*, That all such licenses, rulings, or instructions shall be subject to the provisions hereof. Any amendment, modification or revocation by or pursuant to the provisions of this Order of any orders, regulations, rulings, instructions or licenses shall not affect any act done, or any suit or proceeding had or commenced in any civil or criminal case prior to such amendment, modification or revocation, and all penalties,

forfeitures and liabilities under any such orders, regulations, rulings, instructions or licenses shall continue and may be enforced as if such amendment, modification or revocation had not been made.

SEC. 7. Without limitation as to any other powers or authority of the Secretary of the Treasury or the Attorney General under any other provision of this Order, the Secretary of the Treasury is authorized and empowered to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this Order and to provide therein or otherwise the conditions under which licenses may be granted by or through such officers or agencies as the Secretary of the Treasury may designate, and the decision of the Secretary with respect to the granting, denial or other disposition of an application or license shall be final.

SEC. 8. Section 5 (b) of the Act of October 6, 1917, as amended, provides in part:

“* * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.”

SEC. 9. This Order and any regulations, rulings, licenses, or instructions issued hereunder may be amended, modified or revoked at any time.

EXECUTIVE ORDER NO. 9095, OF MARCH 11, 1942, AS AMENDED

By virtue of the authority vested in me by the Constitution, by the First War Powers Act, 1941, by the Trading With the Enemy Act of October 6, 1917, as amended, and as President of the United States, it is hereby ordered as follows:

Executive Order No. 9095 of March 11, 1942, is amended to read as follows:

1. There is hereby established in the Office for Emergency Management of the Executive Office of the President the Office of Alien Property Custodian, at the head of which shall be an Alien Property Custodian appointed by the President. The Alien Property Custodian shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, the Alien Property Custodian may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this Executive Order.

2. The Alien Property Custodian is authorized and empowered to take such action as he deems necessary in the national interest, including, but not limited to, the power to direct, manage, supervise, control or vest, with respect to:

(a) Any business enterprise within the United States which is a national of a designated enemy country and any property of

any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by an enemy country or national thereof;

(b) Any other business enterprise within the United States which is a national of a foreign country and any property of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by a foreign country or national thereof, when it is determined by the Custodian and he has certified to the Secretary of the Treasury that it is necessary in the national interest, with respect to such business enterprise, either (i) to provide for the protection of the property, (ii) to change personnel or supervise the employment policies, (iii) to liquidate, reorganize, or sell, (iv) to direct the management in respect to operations, or (v) to vest;

(c) Any other property or interest within the United States of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country or national thereof: *Provided, however,* That with respect to any such country or national other than Germany or Japan or any national thereof, such property or interest shall not include cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange, and securities except to the extent that the Alien Property Custodian determines that such cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange, and securities are necessary for the maintenance or safeguarding of other property belonging to the same designated enemy country or the same national thereof and subject to vesting pursuant to section 2 hereof;

(d) Any patent, patent application, design patent, design patent application, copyright, copyright application, trade-mark or trade-mark application or right related thereto in which any foreign country or national thereof has any interest and any property of any nature whatsoever (including, without limitation, royalties and license fees) payable or held with respect thereto, and any interest of any nature whatsoever held therein by any foreign country or national thereof;

(e) Any ship or vessel or interest therein, in which any foreign country or national thereof has an interest; and

(f) Any property of any nature whatsoever which is in the process of administration by any person acting under judicial supervision or which is in partition, libel, condemnation or other similar proceedings and which is payable or deliverable to, or claimed by, a designated enemy country or national thereof.

When the Alien Property Custodian determines to exercise any power and authority conferred upon him by this section with respect to any of the foregoing property over which the Secretary of the Treasury is exercising any control and so notifies the Secretary of the Treasury in

writing, the Secretary of the Treasury shall release all control of such property, except as authorized or directed by the Alien Property Custodian.

3. Subject to the provisions of this Executive Order, all powers and authority conferred upon me by sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, are hereby delegated to the Secretary of the Treasury or any person, agency, or instrumentality designated by him: *Provided, however*, That when any property or interest, not belonging to a foreign government or central bank, shall be vested by the Secretary of the Treasury, such property or interest shall be vested in, and dealt with by, the Alien Property Custodian upon the terms directed by the Secretary of the Treasury. Except as otherwise provided herein, this Executive Order shall not be deemed to modify or amend Executive Order No. 8389, as amended, or the President's Proclamation of July 17, 1941, or Executive Order No. 8839, as amended, or the regulations, rulings, licenses and other action taken thereunder, or in connection therewith.

4. Without limitation as to any other powers or authority of the Secretary of the Treasury or the Alien Property Custodian under any other provision of this Executive Order, the Secretary of the Treasury and the Alien Property Custodian are authorized and empowered, either jointly or severally, to prescribe from time to time, regulations, rulings, and instructions to carry out the purposes of this Executive Order. The Secretary of the Treasury and the Alien Property Custodian each shall make available to the other all information in his files to enable the other to discharge his functions, and shall keep each other currently informed as to investigations being conducted with respect to enemy ownership or control of business enterprises within the United States.

5. The Alien Property Custodian is authorized to issue appropriate regulations governing the service of process or notice upon any person within any designated enemy country or any enemy-occupied territory in connection with any court or administrative action or proceeding within the United States. The Alien Property Custodian also is authorized to take such other and further measures in connection with representing any such person in any such action or proceeding as in his judgment and discretion is or may be in the interest of the United States. If, as a result of any such action or proceeding, any such person obtains, or is determined to have, an interest in any property (including money judgments), such property, less an amount equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding, shall be subject to the provisions of Executive Order No. 8389, as amended: *Provided, however*, That this shall not be deemed to limit the powers of the Alien Property Custodian under section 2 of this Order: *And provided further*, That the Alien Property Custodian may vest an amount of such property equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding.

6. To enable the Alien Property Custodian to carry out his functions under this Executive Order, there are hereby delegated to the Alien Property Custodian or any person, agency, or instrumentality designated by him all powers and authority conferred upon me by section 5 (b) of the Trading With the Enemy Act, as amended, including, but

not limited to, the power to make such investigations and require such reports as he deems necessary or appropriate to determine whether any enterprise or property should be subject to his jurisdiction and control under this Executive Order. The powers and authority conferred upon the Alien Property Custodian by Executive Order No. 9142 shall be administered by him in conformity with the provisions of this Executive Order.

7. In the exercise of the authority herein delegated, the Alien Property Custodian shall be subject to the provisions of Executive Order No. 8839 of July 30, 1941, and shall designate a representative to the Board of Economic Warfare in accordance with section 6 thereof.

8. All records and other property (including office equipment) of the Treasury Department which are used primarily in the administration of powers and duties to be exercised by the Alien Property Custodian, and such personnel as is used primarily in the administration of such powers and duties and which was hired by the Treasury Department after September 1, 1941 (including officers whose chief duties relate to the administration of such powers and duties), as the Secretary of the Treasury and the Alien Property Custodian shall jointly certify for transfer, shall be transferred to the Office of the Alien Property Custodian. In the event of disagreement concerning the transfer of any personnel, records, or property, the determination shall be made by the Director of the Bureau of the Budget, pursuant to the formula here prescribed. Any personnel transferred pursuant to this Executive Order shall be transferred without loss of such Civil Service status or eligibility therefor as they may have.

9. This Executive Order shall not be deemed to modify or amend Executive Order No. 8843 of August 9, 1941, and the regulations, rulings, licenses and other action taken thereunder. Any and all action heretofore taken by the Secretary of the Treasury or the Alien Property Custodian, or by any person, agency, or instrumentality designated by either of them, pursuant to sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, or pursuant to prior Executive Orders, and any and all action heretofore taken by the Board of Governors of the Federal Reserve System pursuant to Executive Order No. 8843 of August 9, 1941, are hereby confirmed and ratified.

10. For the purpose of this Executive Order:

(a) The term "designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Italy, Japan, Bulgaria, Hungary, and Rumania) and any other country with which the United States is at war in the future. The term "national" shall have the meaning prescribed in section 5 of Executive Order No. 8389, as amended: *Provided, however,* That persons not within designated enemy countries (even though they may be within enemy-occupied countries or areas) shall not be deemed to be nationals of a designated enemy country unless the Alien Property Custodian determines: (i) that such person is controlled by or acting for or on behalf of (including cloaks for) a designated enemy country or a person within such country; or (ii) that such person is a citizen or subject of a designated enemy country and within an enemy-occupied country or area; or (iii) that the

national interest of the United States requires that such person be treated as a national of a designated enemy country. For the purpose of this Executive Order any determination by the Alien Property Custodian that any property or interest of any foreign country or national thereof is the property or interest of a designated enemy country or national thereof shall be final and conclusive as to the power of the Alien Property Custodian to exercise any of the power or authority conferred upon me by section 5 (b) of the Trading with the Enemy Act, as amended.

(b) The term "business enterprise within the United States" shall mean any individual proprietorship, partnership, corporation or other organization primarily engaged in the conduct of a business within the United States, and any other individual proprietorship, partnership, corporation or other organization to the extent that it has an established office within the United States engaged in the conduct of business within the United States.

11. The Secretary of the Treasury or the Alien Property Custodian, as the case may be, shall, except as otherwise agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this Executive Order, and the Secretary of the Treasury shall consult with the Secretary of State before issuing any Order adding any additional foreign countries to section 3 of Executive Order No. 8389, as amended.

12. Any orders, regulations, rulings, instructions, licenses or other actions issued or taken by any person, agency or instrumentality referred to in this Executive Order, shall be final and conclusive as to the power of such person, agency or instrumentality to exercise any of the power or authority conferred upon me by sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended; and to the extent necessary and appropriate to enable them to perform their duties and functions hereunder, the Secretary of the Treasury and the Alien Property Custodian shall be deemed to be authorized to exercise severally any and all authority, rights, privileges and powers conferred on the President by sections 3 (a) and 5 (b) of the Trading with the Enemy Act of October 6, 1917, as amended, and by sections 301 and 302 of title III of the First War Powers Act, 1941, approved December 18, 1941. No persons affected by any order, regulation, ruling, instruction, license or other action issued or taken by either the Secretary of the Treasury or the Alien Property Custodian shall be entitled to challenge the validity thereof or otherwise excuse his actions, or failure to act, on the ground that pursuant to the provisions of this Executive Order, such order, regulation, ruling, instruction, license or other action was within the jurisdiction of the Alien Property Custodian rather than the Secretary of the Treasury or vice versa.

13. Any regulations, rulings, instructions, licenses, determinations or other actions issued, made or taken by any agency or person referred to in this Executive Order purporting to be under the provisions of this Executive Order or any other proclamation, order or regulation, issued under sections 3 (a) or 5 (b) of the Trading with the Enemy Act, as amended, shall be conclusively presumed to have been issued, made or taken after appropriate consultation as herein required and after appropriate certification in any case in which a certification is required pursuant to the provisions of this Executive Order.

EXECUTIVE ORDER NO. 9325, OF APRIL 7, 1943

By virtue of the authority vested in me by the Constitution and statutes of the United States, particularly by Title III of the First War Powers Act, 1941, it is hereby ordered as follows:

1. Until it is otherwise provided, the Alien Property Custodian is authorized and empowered to pay out of any funds lawfully in his custody or under his control all necessary expenses incurred by the Office of Alien Property Custodian in carrying out the powers and duties vested in him pursuant to Title III of the First War Powers Act, 1941, and the applicable orders issued thereunder. Such expenses shall be allocated and recovered as provided in section 2 hereof.

2. The Alien Property Custodian is authorized to retain, allocate and recover, as a charge against any specific property or any other property of which the former owner of the specific property was divested, expenses attributable to such specific property with respect to which he has exercised or may hereafter exercise any power heretofore or hereafter conferred upon him. In addition to such expenses, the Alien Property Custodian is authorized to retain, allocate and recover at such time or times as he may deem practicable, as a charge against money or property in his custody or under his control, such amounts as may be necessary in connection with the general administrative expenses of the Office of Alien Property Custodian which have been or may be paid and which are not practicably allocable to a specific property.

3. The power and authority herein granted shall not be limited by the filing of a claim or the institution of a suit relating to any property subject to the authority of the Alien Property Custodian.

4. This order shall not be construed as a limitation upon or in derogation of any powers heretofore granted.

5. The Office of Alien Property Custodian shall submit to the Bureau of the Budget (a) prior to April 30, 1943, an estimate of general administrative expenses for the remainder of the current fiscal year, (b) prior to the end of the current and of each subsequent fiscal year, at such time as may be specified by the Director of the Bureau of the Budget, an estimate of such expenses for the succeeding fiscal year, and (c) any supplemental estimates of such expenses if and as the need arises. After April 30, 1943, no general administrative expenses authorized to be paid pursuant to this order shall be incurred or paid by the Office of Alien Property Custodian beyond the amounts approved by the Director of the Bureau of the Budget upon submissions as above set forth.

EXECUTIVE ORDER 9725, OF MAY 16, 1946

By virtue of the authority vested in me by Title III of the First War Powers Act, 1941 (50 U. S. C. App., Sup., 616 et seq.), as amended, by the Trading with the Enemy Act of October 6, 1917 (50 U. S. C. App., 1 et seq.), as amended, and as President of the United States, it is hereby ordered as follows:

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, and by section 32 of the said act, as added by the said Public Law 322.

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.

EXECUTIVE ORDER 9760, OF JULY 23, 1946

By virtue of the authority vested in me by the Constitution and statutes, including the Trading with the Enemy Act of October 6, 1917, as amended, and the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State is authorized and empowered as he deems necessary in the national interest to direct, manage, supervise, or control diplomatic and consular property within the United States owned or controlled by Germany or Japan, including all assets on the premises of such property.
2. The Alien Property Custodian shall not exercise any power and authority conferred upon him by any other Executive order with respect to diplomatic and consular property within the United States owned or controlled by Germany or Japan except so far as the Secretary of State releases his authority over such diplomatic and consular property under this order and so notifies the Alien Property Custodian in writing.
3. When the Secretary of State determines to exercise any power and authority conferred upon him by this order with respect to any property over which the Secretary of the Treasury is exercising any control and so notifies the Secretary of the Treasury in writing, the Secretary of the Treasury shall release all control of such property, except as authorized or directed by the Secretary of State.
4. This order supersedes all conflicting provisions of prior Executive orders, including Executive Orders Nos. 8389, as amended, and 9095, as amended.
5. The Secretary of State is authorized to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this order.

EXECUTIVE ORDER 9788, OF OCTOBER 14, 1946

By virtue of the authority vested in me by the Constitution and statutes, including the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, and the First War Powers Act, 1941, 55 Stat. 838, as amended, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government as follows:

1. The Office of Alien Property Custodian in the Office for Emergency Management of the Executive Office of the President, established by Executive Order No. 9095 of March 11, 1942, is hereby terminated; and all authority, rights, privileges, powers, duties, and functions vested in such Office or in the Alien Property Custodian or transferred or delegated thereto are hereby vested in or transferred or delegated to the Attorney General, as the case may be, and shall be administered by him or under his direction and control by such officers and agencies of the Department of Justice as he may designate.

2. All property or interests vested in or transferred to the Alien Property Custodian or seized by him, and all proceeds thereof, which are held or administered by him on the effective date of this order are hereby transferred to the Attorney General.
3. All personnel, property, records, and funds of the Office of Alien Property Custodian are hereby transferred to the Department of Justice.
4. This order supersedes all prior Executive Orders to the extent that they are in conflict with this order.
5. This order shall become effective on October 15, 1946.

EXECUTIVE ORDER 9789, OF OCTOBER 14, 1946

By virtue of the authority vested in me by the Constitution and statutes, including the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, the Philippine Property Act of 1946 (Public Law 485, 79th Congress, approved July 3, 1946), and the First War Powers Act, 1941, 55 Stat. 838, as amended, and as President of the United States, it is hereby ordered, in the interests of the internal management of the Government, as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the Philippine Alien Property Administration, at the head of which shall be a Philippine Alien Property Administrator appointed by the President, without regard to the civil-service laws. The Philippine Alien Property Administrator shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, housing, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, and without regard to the civil-service laws, the Philippine Alien Property Administrator may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this order. Such personnel of the Office of Alien Property Custodian as are engaged in the exercise of the functions transferred hereunder, may be transferred to the Philippine Alien Property Administration without loss of such civil-service status or eligibility therefor as they may possess.

2. All authority, rights, privileges, powers, duties and functions vested in the Office of Alien Property Custodian or in the Alien Property Custodian or transferred or delegated thereto with respect to property located in the Philippines and property transferred by section 3 hereof are hereby vested in or transferred or delegated to the Philippine Alien Property Administrator.

3. The Alien Property Custodian is authorized and directed to transfer to the Philippine Alien Property Administrator all property or interests vested in or transferred to him which were located in the Philippines at the time of such vesting or transfer, or the proceeds thereof, less, however, such expenses as the Alien Property Custodian is authorized to charge against such property or proceeds. Such property or proceeds shall be administered and disposed of under the direction and control of the Philippine Alien Property Administrator in accordance with law.

4. The Philippine Alien Property Administrator shall, except as otherwise agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this Executive Order.

5. The Alien Property Custodian is authorized and directed to transfer to the Philippine Alien Property Administrator such personnel, records, files, furniture, funds, authorizations, equipment and supplies as the Director of the Bureau of the Budget may determine to be necessary for the performance of the functions hereby transferred, but the Administrator shall reimburse the Custodian for the funds and the present value of the furniture, equipment and supplies so transferred.

6. The Philippine Alien Property Administrator, to the extent permitted by law, is authorized to pay out of any funds or other property or interests vested in him or transferred to him all necessary expenses of the Philippine Alien Property Administration in the performance of the functions hereby transferred.

7. Paragraph 5 of Executive Order No. 9142 (7 Fed. Reg. 2985) is amended to the extent that it requires that litigation under the Trading with the Enemy Act of October 6, 1917, as amended, and the Philippine Property Act of 1946, instituted in the courts of the Philippine Islands prior to July 4, 1946, be conducted under the supervision of the Attorney General. In any such litigation the Philippine Alien Property Administrator may appear personally or through attorneys appointed by him.

8. No action taken by the Alien Property Custodian under Executive Order No. 9747 of July 3, 1946, shall be challenged on the ground that it was within the jurisdiction of the Philippine Alien Property Administrator.

9. This order shall become effective on October 14, 1946.

EXECUTIVE ORDER 9818, OF JANUARY 7, 1947

By virtue of the authority vested in me by the Constitution and statutes, including the Trading with the Enemy Act of October, 1917, 40 Stat. 411, as amended, the Philippine Property Act of 1946, 60 Stat. 418, the First War Powers Act, 1941, 55 Stat. 838, as amended, section 1753 of the Revised Statutes, and the Civil Service Act, 22 Stat. 403, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the Philippine Alien Property Administration, at the head of which shall be a Philippine Alien Property Administrator appointed by the President, without regard to the civil service laws. The Philippine Alien Property Administrator shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, housing, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, and without regard to the civil service laws, the Philippine Alien Property Administrator may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this

order. Such personnel of the Office of Alien Property, Department of Justice, as are engaged in the exercise of the functions transferred hereunder, may be transferred to the Philippine Alien Property Administration without loss of such civil-service status or eligibility therefor as they may possess. Any employee, of a department or agency of the Federal Government who possesses special qualifications or experience of particular use to the Philippine Alien Property Administrator may, upon request by the Philippine Alien Property Administrator, be transferred with his consent and that of the department or agency in which he is employed, without loss of such civil-service status or eligibility therefor as such person may possess, to a position under the Philippine Alien Property Administrator. Upon application for reemployment made to the original employing department or agency within ninety days after termination of the service of the employee in the position to which he is transferred under the provisions of this section, and upon presentation of a statement by the Philippine Alien Property Administrator or his authorized representatives, reciting the date of termination of such service, that the services of such employee have been satisfactory and that such termination was not the result of delinquency or misconduct on the part of the employee, such employee shall, if qualified to perform the duties of his position, be reemployed in his original position or in a position of like seniority, status and pay, so long as the position the employee left, or one of like seniority, status, and pay is occupied by an employee with lower retention preference.

2. The Philippine Alien Property Administrator is hereby designated to exercise and perform, and there are hereby transferred to him, such rights, privileges, powers, authority, duties and functions, with respect to property located within the Philippines and property transferred pursuant to section 3 hereof, as were vested in or transferred or delegated to the Alien Property Custodian by the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946, Executive Order 9095 of March 11, 1942, as amended, Executive Order 9142 of April 21, 1942, and Executive Order 9725 of May 16, 1946.

3. The Attorney General, or such officer or agency of the Department of Justice as he may designate, is authorized and directed to transfer to the Philippine Alien Property Administrator all property or interests vested in or transferred to him which were located in the Philippines at the time of such vesting or transfer, or the proceeds thereof, subject, however, to such expenses as the Attorney General is authorized to charge against such property or proceeds. Such property or proceeds shall be administered and disposed of under the direction and control of the Philippine Alien Property Administrator in accordance with law.

4. The Philippine Alien Property Administrator shall, except as otherwise agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this Executive Order.

5. The Attorney General or such officer or agency of the Department of Justice as he may designate, is authorized and directed to transfer to the Philippine Alien Property Administrator such personnel, records, files, furniture, equipment, and supplies as the Director

of the Bureau of the Budget may determine to be necessary for the performance of the functions hereby transferred, but the Administrator shall reimburse the Attorney General for the furniture, equipment, and supplies so transferred.

6. The Philippine Alien Property Administrator, to the extent permitted by law, is authorized to pay out of any funds or other property or interests vested in him or transferred to him all necessary expenses of the Philippine Alien Property Administration in the performance of the functions hereby transferred: *Provided, however,* That the Philippine Alien Property Administrator shall submit to the Director of the Bureau of the Budget at such time or times and in such form as the Director shall require, an estimate of general administrative expenses for the remainder of the current fiscal year, and no general administrative expenses authorized to be paid pursuant to this order shall be incurred or paid by the Philippine Alien Property Administrator in excess of the amounts approved by the Bureau of the Budget upon submissions as herein required. All expenses for the current fiscal year shall, in addition, be reported to the Congress as early as practicable, with a request for ratification thereof; and no general administrative expenses shall be incurred or paid by the Philippine Alien Property Administrator after the fiscal year ending June 30, 1947, except pursuant to a further annual authorization by the Congress.

7. Paragraph 5 of Executive Order 9142 (7 Fed. Reg. 2985) is amended to the extent that it requires that litigation under the Trading with the Enemy Act of October 6, 1917, as amended, and the Philippine Property Act of 1946 instituted in the courts of the Philippine Islands prior to July 4, 1946, be conducted under the supervision of the Attorney General. In any such litigation the Philippine Alien Property Administrator may appear personally or through attorneys appointed by him.

8. No action taken by or on behalf of the Alien Property Custodian or the Attorney General as his successor under Executive Order 9747 of July 3, 1946, shall be challenged on the ground that it was within the jurisdiction of the Philippine Alien Property Administrator.

9. This order supersedes Executive Order 9789 of October 14, 1946, entitled "Establishing the Philippine Alien Property Administration and defining its functions."

EXECUTIVE ORDER 9921, OF JANUARY 10, 1948

Whereas section 3 of the Philippine Property Act of 1946 (60 Stat. 418) provides that property vested or transferred under the Trading with the Enemy Act (40 Stat. 411), as amended, which was located in the Philippines at the time of such vesting, or the proceeds thereof, and which shall remain after the satisfaction of any claim payable under the Trading with the Enemy Act, as amended, and after the payment of such costs and expenses of administration as may by law be charged against such property or proceeds, shall be transferred by the President of the United States to the Republic of the Philippines; and

Whereas section 3 of the said Philippine Property Act further provides that such property, or proceeds thereof, may be transferred by the President of the United States to the Republic of the Philippines

before final adjudication of such claims, costs, and expenses of administration as may by law be charged against such property, or proceeds thereof, upon indemnification acceptable to the President of the United States by the Republic of the Philippines for such claims, costs, and expenses of administration; and

Whereas the President of the Republic of the Philippines has given assurance, with respect to property, or proceeds thereof, which the United States may transfer to the Republic of the Philippines pursuant to section 3 of the Philippine Property Act of 1946, that the Republic of the Philippines will save harmless and indemnify the United States against all claims against such property, or proceeds thereof, as are payable under the Trading with the Enemy Act, as amended, and for such costs and expenses of administration of such property as are by law chargeable against the property, or proceeds thereof; and

Whereas such assurance of indemnification by the Republic of the Philippines is acceptable to the President of the United States; and

Whereas it appears administratively desirable that the Philippine Alien Property Administrator be authorized to act on behalf of the President of the United States with respect to certain property which may be transferred to the Republic of the Philippines pursuant to section 3 of the Philippine Property Act of 1946:

Now, therefore, by virtue of the authority vested in me by the said Trading with the Enemy Act (40 Stat. 411), as amended, and the said Philippine Property Act of 1946, and as President of the United States, it is hereby ordered as follows:

1. The Philippine Alien Property Administrator is authorized to transfer to the Republic of the Philippines in accordance with the provisions of section 3 of the Philippine Property Act of 1946, as soon as practicable after final payment of claims, costs, and expenses of administration, any property, or proceeds thereof, vested in or transferred to him pursuant to the Trading with the Enemy Act, as amended, and the Philippine Property Act of 1946.

2. The Philippine Alien Property Administrator is authorized to transfer to the Republic of the Philippines in accordance with the provisions of section 3 of the Philippine Property Act of 1946, prior to final adjudication of claims, costs, and expenses of administration when he deems it to be administratively feasible, and without further consideration of such transfer, property, or proceeds thereof, vested in or transferred to him pursuant to the Trading with the Enemy Act, as amended, and the Philippine Property Act of 1946, against which, in the judgment of the Administrator, no substantial claims, expenses, or costs of administration are likely to be chargeable.

EXECUTIVE ORDER 9989, OF AUGUST 20, 1948

**TRANSFERRING JURISDICTION OVER BLOCKED ASSETS
TO THE ATTORNEY GENERAL**

Whereas with the successful termination of hostilities, there has been a gradual release from control by the Treasury Department over foreign property and interests which had been blocked to prevent their looting by the Axis and their use in ways harmful to the war effort of the United States; and

Whereas certain of such foreign property and interests have not yet been unblocked; and

Whereas it is now necessary and desirable to place the jurisdiction over the assets remaining blocked on September 30, 1948, in the same agency which is administering the program of alien property control initiated under Executive Order No. 9095 of March 11, 1942, as amended, which program is presently being administered by the Attorney General:

Now, therefore, by virtue of the authority vested in me by the Constitution and the laws of the United States, including the Trading with the Enemy Act of October 6, 1917, as amended, and as President of the United States, it is hereby ordered as follows:

1. The Attorney General is hereby authorized and directed to take such action as he may deem necessary with respect to any property or interest of any nature whatsoever in which any foreign country designated in Executive Order No. 8389 of April 10, 1940, as amended, or any national thereof has any interest (including property subject to the proviso of paragraph (a) of General License No. 94, as amended (31 C. F. R., 1947 Supp., 131.94), and including any Scheduled Securities within the meaning of General Ruling No. 5, as amended (31 C. F. R., 1947 Supp., 131, App. A.), both issued by the Secretary of the Treasury) which on September 30, 1948, is not unblocked or otherwise removed from the restrictions of the said Executive Order No. 8389, as amended, by any order, regulation, ruling, instruction, license, or other action issued or taken by the Secretary of the Treasury. In the performance of his duties under this order, the Attorney General or any officer, person, agency, or instrumentality designated by him, may exercise all powers and authority vested in the President by sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended. As used herein, the terms "national" and "foreign country" shall have the meanings prescribed in Executive Order No. 8389, as amended.

2. With respect to the property and interests referred to in section 1 hereof, all orders, regulations, rulings, instructions, or licenses issued by the Secretary of the Treasury under the authority of Executive Order No. 8389, as amended, and Executive Order No. 9095, as amended, and in force on September 30, 1948, shall continue in full force and effect except as amended, modified, or revoked by the Attorney General.

3. It is the policy of this order that administrative action under paragraph 1 hereof shall be taken by the Attorney General or any officer, person, agency, or instrumentality designated by him. However, nothing in this order shall be deemed to limit or remove any powers heretofore conferred upon the Secretary of the Treasury or the Attorney General by statute or by Executive Order. No person affected by any order, regulation, ruling, instruction, license, or other action issued or taken by either the Secretary of the Treasury or the Attorney General may challenge the validity thereof or otherwise excuse his actions, or failure to act, on the ground that pursuant to the provisions of this Executive order, such order, regulation, ruling, instruction, license, or other action was within the jurisdiction of the Attorney General rather than the Secretary of the Treasury or *vice versa*.

4. This order shall become effective as of midnight, September 30, 1948.

EXECUTIVE ORDER NO. 10244, OF MAY 17, 1951

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Trading With the Enemy Act of October 6, 1917 (50 U. S. C. 1 *et seq.*), as amended, and the act of September 28, 1950 (Public Law 857, 81st Congress), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State and the Attorney General are hereby jointly designated as the officers authorized to conclude and give effect to agreements relating to the settlement of intercustodial conflicts involving enemy property made pursuant to the said act of September 28, 1950, and to exercise all powers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release, or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General, shall perform all functions necessary or appropriate to give effect to any agreement made pursuant to the said act of September 28, 1950, with relation to the protection of American interests in property outside the United States, and that the Attorney General, with the concurrence of the Secretary of State, shall perform all functions necessary or appropriate to give effect to any such agreement with relation to property subject to the jurisdiction of the United States, and that all other functions relating to the effectuation of any such agreement shall be performed as may be agreed by the Secretary of State and the Attorney General. However, no action taken hereunder by either the Secretary of State or the Attorney General shall be considered to be invalid on the ground that under the provisions of this order such action was within the jurisdiction of the Secretary of State rather than the Attorney General, or vice versa, or that concurrence was not obtained, or that such action was not joint.

3. The Secretary of State and the Attorney General may each delegate to the other or to any other officer, person, or agency within his respective department such of his functions under this order as he may deem necessary.

4. Any money, property, or interest received as reimbursement by the United States by virtue of any agreement made pursuant to the said act of September 28, 1950, shall be administered and disposed of by the Attorney General as vested property pursuant to the said Trading With the Enemy Act, as amended. Any other money, property, or interest received by the Secretary of State or the Attorney General pursuant to any such agreement shall be administered and disposed of pursuant to the provisions of such agreement.

EXECUTIVE ORDER NO. 10254, OF JUNE 15, 1951

By virtue of the authority vested in me by the Constitution and the laws of the United States, including the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, the Philippine Property Act of 1946, 60 Stat. 418, as amended, section 1753 of the Revised Statutes, the Civil Service Act, 22 Stat. 403, and section 101 (b) of Reorganization Plan No. 1 of 1947, 61 Stat. 951, and as President of the

United States, and in effectuation of those provisions of the General Appropriation Act, 1951, relating to the Philippine Alien Property Administration, it is ordered as follows:

1. The Philippine Alien Property Administration, established by Executive Order No. 9818 of January 7, 1947, is hereby terminated. All authority, rights, privileges, powers, duties, and functions vested in such Administration or in the Philippine Alien Property Administrator or transferred or delegated thereto are hereby vested in or transferred or delegated to the Attorney General, as the case may be, and shall be administered by him or under his direction and control by such officers and agencies of the Department of Justice as he may designate.

2. All property or interests vested in or transferred to the Philippine Alien Property Administration or the Administrator thereof, and all proceeds thereof, which are held or administered by the Philippine Alien Property Administration or the Administrator thereof are hereby transferred to the Attorney General of the United States.

3. All personnel, records, files, furniture, funds, authorizations, equipment, and supplies of the Philippine Alien Property Administration are hereby transferred to the Department of Justice.

4. All necessary expenses incurred in the administration or operation of the functions, duties, authority, rights, privileges, and powers hereby vested in or transferred or delegated to the Attorney General shall be paid, to the extent permitted and in the manner prescribed by law, from funds or property or interests vested in or transferred to the Attorney General by or pursuant to the authority contained in this order, so as to prevent diminution of funds otherwise available for the War Claims Fund under section 39 of the Trading with the Enemy Act, as amended by section 12 of the act of July 3, 1948, 62 Stat. 1246.

This order shall become effective at the close of business in Washington, D. C., on June 29, 1951, and shall at that time supersede all prior Executive orders to the extent that they are in conflict with this order.

EXECUTIVE ORDER NO. 10348, OF APRIL 26, 1952

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, and as President of the United States, it is hereby ordered as follows:

Executive Order No. 8389 of April 10, 1940, as amended, and Executive Order No. 9989 of August 20, 1948, and all delegations, designations, regulations, rulings, instructions, and licenses issued under such orders are hereby continued in force according to their terms for the duration of the period of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950.

EXECUTIVE ORDER NO. 10587, OF JANUARY 13, 1955

By virtue of the authority vested in me by the Trading with the Enemy Act, as amended (50 U. S. C. App. 1 et seq.), and by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered as follows:

SECTION 1. The Jewish Restitution Successor Organization, a charitable membership organization incorporated under the laws of the State of New York, is hereby designated as successor in interest to deceased persons in accordance with and for the purposes of subsection (h) of section 32 of the Trading with the Enemy Act, as added by Public Law 626, approved August 23, 1954 (68 Stat. 767).

SEC. 2. Exclusive of the function vested in the President by the first sentence of the said subsection (h) of section 32 of the Trading with the Enemy Act, the Attorney General shall carry out the functions provided for in that subsection, including the powers, duties, authority and discretion thereby vested in or conferred upon the President; and functions under the said subsection are hereby delegated to the Attorney General, and the Attorney General is hereby designated thereunder, accordingly.

SEC. 3. The Attorney General may delegate to any officer and agency of the Department of Justice such of his functions under this order as he may deem necessary.

EXECUTIVE ORDER NO. 10644, OF NOVEMBER 7, 1955

By virtue of the authority vested in me by Title II of the International Claims Settlement Act of 1949, as added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Attorney General, and, as designated by the Attorney General for this purpose, any Assistant Attorney General are hereby designated and empowered to perform the functions conferred by the said Title II of the International Claims Settlement Act of 1949 upon the President, and the functions conferred by that title upon any designee of the President.

SEC. 2. The Attorney General is hereby designated as the officer in whom property shall vest under the said Title II.

SEC. 3. As used in this order, the term "functions" includes duties, powers, responsibilities, authority, and discretion, and the term "perform" may be construed to include "exercise".

[EXTRACT FROM REORGANIZATION PLAN No. 1 OF 1947]

[House Doc. No. 230, 80th Cong., 1st Session]

* * * * *

SECTION 101. *Functions of the Alien Property Custodian.*—(a) Except as provided by subsection (b) of this section, all functions vested by law in the Alien Property Custodian or the Office of Alien Property Custodian are transferred to the Attorney General and shall be performed by him, or, subject to his direction and control, by such officers and agencies of the Department of Justice as he may designate.

(b) The functions vested by law in the Alien Property Custodian or the Office of Alien Property Custodian with respect to property or interests located in the Philippines or which were so located at the time

of vesting in or transfer to an officer or agency of the United States under the Trading with the Enemy Act, as amended, are transferred to the President and shall be performed by him or, subject to his direction and control, by such officers and agencies as he may designate.

* * * * *

[EXTRACT FROM REORGANIZATION PLAN NO. 2 OF 1950]

[House Doc. No. 506; 81st Cong., 2d Session]

* * * * *

SECTION 1. *Transfer of functions to the Attorney General.*—(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Attorney General all functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of Justice, nor to the functions of the Federal Prison Industries, Inc., of the Board of Directors and officers of the Federal Prison Industries, Inc., or of the Board of Parole.

SEC. 2. *Performance of functions of the Attorney General.*—The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Justice of any function of the Attorney General, including any function transferred to the Attorney General by the provisions of this reorganization plan.

* * * * *

SEC. 6. *Incidental transfers.*—The Attorney General may from time to time effect such transfers within the Department of Justice of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

[EXTRACT FROM REORGANIZATION PLAN NO. 19 OF 1950]

[House Doc. No. 524, 81st Cong., 2d Session]

* * * * *

EMPLOYEES' COMPENSATION FUNCTIONS

SECTION 1. *Bureau of Employees' Compensation.*—The Bureau of Employees' Compensation of the Federal Security Agency, together with its functions, is transferred to the Department of Labor and shall be administered under the direction and supervision of the Secretary of Labor. The functions of the Federal Security Administrator, and of the Federal Security Agency, with respect to the Bureau of Em-

ployees' Compensation and with respect to employees' compensation (including workmen's compensation) are transferred to the Secretary of Labor * * *

* * * * *

SEC. 2. *Employees' Compensation Appeals Board.*—The Employees' Compensation Appeals Board of the Federal Security Agency, together with the functions thereof, is transferred to the Department of Labor. The functions of the Federal Security Administrator with respect to the Employees' Compensation Appeals Board are transferred to the Secretary of Labor. The Board shall continue to have authority to hear and, subject to applicable law and the rules and regulations of the Secretary of Labor, to make final decision on appeals taken from determinations and awards with respect to claims of employees of the Federal Government or of the District of Columbia.

[EXTRACT FROM REORGANIZATION PLAN NO. 1 OF 1953]

[House Doc. No. 102, 83d Cong., 1st Session]

* * * * *

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECTION 1. *Creation of Department; Secretary.*—There is hereby established an executive department, which shall be known as the Department of Health, Education, and Welfare (hereafter in this reorganization plan referred to as the Department). There shall be at the head of the Department a Secretary of Health, Education, and Welfare (hereafter in this reorganization plan referred to as the Secretary), who shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments. The Department shall be administered under the supervision and direction of the Secretary.

* * * * *

SEC. 5. *Transfers to the Department.*—All functions of the Federal Security Administrator are hereby transferred to the Secretary. All agencies of the Federal Security Agency, together with their respective functions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), and all other functions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) of the Federal Security Agency are hereby transferred to the Department.

SEC. 6. *Performance of functions of the Secretary.*—The Secretary may from time to time make such provisions as the Secretary deems appropriate authorizing the performance of any of the functions of the Secretary by any other officer, or by any agency or employee, of the Department.

* * * * *

SEC. 8. *Abolitions.*—The Federal Security Agency (exclusive of the agencies thereof transferred by sec. 5 of this reorganization plan), the offices of Federal Security Administrator and Assistant Federal Security Administrator created by Reorganization Plan No. 1 (53 Stat. 1423), the two offices of assistant heads of the Federal Security Agency created by Reorganization Plan No. 2 of 1946 (60 Stat. 1095), and the office of Commissioner for Social Security created by section 701 of the Social Security Act, as amended (64 Stat. 558), are hereby abolished. The Secretary shall make such provisions as may be necessary in order to wind up any outstanding affairs of the Agency and offices abolished by this section which are not otherwise provided for in this reorganization plan.

REORGANIZATION PLAN NO. 1 OF 1954

[House Doc. No. 381, 83d Cong., 2d sess.]

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

SECTION 1. *Establishment of Commission.*—There is hereby established the Foreign Claims Settlement Commission of the United States, hereinafter referred to as the Commission. The Commission shall be composed of three members, who shall each be appointed by the President by and with the advice and consent of the Senate, hold office during the pleasure of the President, and receive compensation at the rate of \$15,000 per annum. The President shall from time to time designate one of the members of the Commission as the Chairman of the Commission, hereinafter referred to as the Chairman. Two members of the Commission shall constitute a quorum for the transaction of the business of the Commission.

SEC. 2. *Transfer of functions.*—(a) All functions of the War Claims Commission and of the members, officers, and employees thereof are hereby transferred to the Foreign Claims Settlement Commission of the United States.

(b) All functions of the International Claims Commission of the United States (hereinafter referred to as the International Claims Commission) and of the members, officers, and employees thereof are hereby transferred to the Foreign Claims Settlement Commission of the United States.

(c) The functions of the Secretary of State and of the Department of State with respect to the International Claims Commission and its affairs, exclusive of the functions of the said Secretary and Department under sections 3 (c), 4 (b), and 5, and the first sentence of section 8 (d), of the International Claims Settlement Act of 1949, 64 Stat. 12, as amended, are hereby transferred to the Commission.

(d) The functions of the Commissioner provided for in the Joint Resolution approved August 4, 1939, ch. 421, 53 Stat. 1199, together with the functions of the Secretary of State under section 2 thereof, are hereby transferred to the Commission.

SEC. 3. *Certain functions of Chairman.*—There are hereby vested in the Chairman all functions of the Commission with respect to the internal management of the affairs of the Commission, including but not limited to functions with respect to: (a) the appointment of per-

sonnel employed under the Commission, (b) the direction of employees of the Commission and the supervision of their official activities, (c) the distribution of business among employees and organizational units under the Commission, (d) the preparation of budget estimates, and (e) the use and expenditure of funds of the Commission available for expenses of administration.

SEC. 4. *Abolitions.*—(a) The War Claims Commission, provided for in the War Claims Act of 1948, 62 Stat. 1240, as amended, and the International Claims Commission, provided for in the International Claims Settlement Act of 1949, as amended, including the offices of the members of each of the said commissions, and the office of Commissioner provided for in the aforesaid Joint Resolution of August 4, 1939, are hereby abolished.

(b) The functions of the Secretary of State under the third and fourth sentences of section 3 (c) of the International Claims Settlement Act of 1949, as amended, are hereby abolished.

SEC. 5. *Authorization to delegate.*—The Commission is hereby authorized to delegate any of its functions to one or more persons designated by the Commission from among the members of the Commission and the officers and employees serving under the Commission.

SEC. 6. *Transitional provisions.*—(a) Any person who is a member or acting member of the War Claims Commission or of the International Claims Commission immediately prior to the taking effect of the provisions of this reorganization plan may be designated by the President as an acting member of the Foreign Claims Settlement Commission of the United States in respect of an office of member the initial appointment to which has not then been made under section 1 of this reorganization plan. Each such acting member of the said Foreign Claims Settlement Commission shall perform the duties and receive the compensation of member. Unless sooner terminated, the tenure of any acting member designated hereunder shall terminate when the office of member concerned is filled in pursuance of section 1 hereof, or 120 days after the effective date of this reorganization plan, whichever is earlier.

(b) The Chairman shall make such provisions as may be necessary with respect to winding up any affairs of the agencies abolished by the provisions of this reorganization plan not otherwise provided for herein.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available, in connection with the functions transferred by section 2 of this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the said Director shall direct.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (c) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 7. *Effective date.*—The provisions of this reorganization plan shall take effect on the date determined under section 6 (a) of the Reorganization Act of 1949, as amended, or the first day of July, 1954, whichever is later.

Extract from the
AGREEMENT ON REPARATION FROM GERMANY,
On the establishment of an Inter-Allied Reparation Agency and
on the restitution of monetary gold.

[ENTERED INTO FORCE JANUARY 24, 1946]

[TIAS 1655]

THE GOVERNMENTS OF ALBANIA, THE UNITED STATES OF AMERICA, AUSTRALIA, BELGIUM, CANADA, DENMARK, EGYPT, FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, GREECE, INDIA, LUXEMBOURG, NORWAY, NEW-ZEALAND, THE NETHERLANDS, CZECHOSLOVAKIA, THE UNION OF SOUTH AFRICA AND YUGOSLAVIA, in order to obtain an equitable distribution among themselves of the total assets which, in accordance with the provisions of this Agreement and the provisions agreed upon at Potsdam on 1. August 1945 between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, are or may be declared to be available as reparation from Germany (hereinafter referred to as German reparation), in order to establish an Inter-Allied Reparation Agency, and to settle an equitable procedure for the restitution of monetary gold,

HAVE AGREED as follows:

PART I.

German reparation.

ARTICLE 1.

Shares in Reparation.

A. German reparation (exclusive of the funds to be allocated under Article 8 of Part I of this Agreement), shall be divided into the following categories:

Category A, which shall include all forms of German reparation except those included in *Category B*;

Category B, which shall include industrial and other capital equipment removed from Germany, and merchant ships and inland water transport.

B. Each Signatory Government shall be entitled to the percentage share of the total value of *Category A* and the percentage share of the total value of *Category B* set out for that Government in the Table of Shares set forth below:

TABLE OF SHARES.

Country.	Category A.	Category B.
Albania.....	.05	.35
United States of America.....	28.00	11.80
Australia.....	.70	.95
Belgium.....	2.70	4.50
Canada.....	3.50	1.50
Denmark.....	.25	.35
Egypt.....	.05	.20
France.....	16.00	22.80
United Kingdom.....	28.00	27.80
Greece.....	2.70	4.35
India.....	2.00	2.90
Luxembourg.....	.15	.40
Norway.....	1.30	1.90
New Zealand.....	.40	.60
Netherlands.....	3.90	5.60
Czechoslovakia.....	3.00	4.30
Union of South Africa ¹70	.10
Yugoslavia.....	6.60	9.60
Total.....	100.00	100.00

¹ The Government of the Union of South Africa has undertaken to waive its claims to the extent necessary to reduce its percentage share of category B to the figure of 0.1 per cent but is entitled, in disposing of German enemy assets within its jurisdiction, to charge the net value of such assets against its percentage share of category A and a percentage share under category B of 1.0 per cent.

C. Subject to the provisions of paragraph D below, each Signatory Government shall be entitled to receive its share of merchant ships determined in accordance with Article 5 of Part I of this Agreement, provided that its receipts of merchant ships do not exceed in value its share in Category B as a whole.

Subject to the provisions of paragraph D below, each Signatory Government shall also be entitled to its Category A percentage share in German assets in countries which remained neutral in the war against Germany.

The distribution among the Signatory Governments of forms of German reparation other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany shall be guided by the principles set forth in Article 4 of Part I of this Agreement.

D. If a Signatory Government receives more than its percentage share of certain types of assets in either Category A or Category B, its receipts of other types of assets in that Category shall be reduced so as to ensure that it shall not receive more than its share in that Category as a whole.

E. No Signatory Government shall receive more than its percentage share of either Category A or Category B as a whole by surrendering any part of its percentage share of the other Category, except that with respect to German enemy assets within its own jurisdiction, any Signatory Government shall be permitted to charge any excess of such assets over its Category A percentage share of total German enemy assets within the jurisdiction of the Signatory Governments either to its receipts in Category A or to its receipts in Category B or in part to each Category.

F. The Inter-Allied Reparation Agency, to be established in accordance with Part II of this Agreement, shall charge the reparation account of each Signatory Government for the German assets within that Government's jurisdiction over a period of five years. The charges at the date of the entry into force of this Agreement shall be not less than 20 per cent of the net value of such assets (as defined in Article 6 of Part I of this Agreement) as then estimated, at the beginning of the second year thereafter not less than 25 per cent of the balance as then estimated, at the beginning of the third year not less than 33, $\frac{1}{3}$ per cent of the balance as then estimated, at the beginning of the fourth year not less than 50 per cent of the balance as then estimated, at the beginning of the fifth year not less than 90 per cent of the balance as then estimated, and at the end of the fifth year the entire remainder of the total amount actually realized.

G. The following exceptions to paragraphs D and E above shall apply in the case of a Signatory Government whose share in Category B is less than its share in Category A :

(i) Receipts of merchant ships by any such Government shall not reduce its percentage share in other types of assets in Category B, except to the extent that such receipts exceed the value obtained when that Government's Category A percentage is applied to the total value of merchant ships.

(ii) Any excess of German assets within the jurisdiction of such Government over its Category A percentage share of the total of German assets within the jurisdiction of Signatory Government as a whole shall be charged first to the additional share in Category B to which that Government would be entitled if its share in Category B were determined by applying its Category A percentage to the forms of German reparation in Category B.

H. If any Signatory Government renounces its shares or part of its shares in German reparation as set out in the above Table of Shares, or if it withdraws from the Inter-Allied Reparation Agency at a time when all or part of its shares in German reparation remain unsatisfied, the shares or part thereof thus renounced or remaining shall be distributed rateably among the other Signatory Governments.

ARTICLE 2.

Settlement of Claims against Germany.

A. The Signatory Governments agree among themselves that their respective shares of reparation, as determined by the present Agreement, shall be regarded by each of them as covering all its claims and those of its nationals against the former German Government and its Agencies, of a governmental or private nature, arising out of the war (which are not otherwise provided for), including costs of German occupation, credits acquired during occupation on clearing accounts and claims against the Reichskreditkassen.

B. The provisions of paragraph A above are without prejudice to:

(i) the determination at the proper time of the forms, duration or total amount of reparation to be made by Germany;

(ii) the right which each Signatory Government may have with respect to the final settlement of German reparation; and

(iii) any political, territorial or other demands which any Signatory Government may put forward with respect to the peace settlement with Germany.

C. Notwithstanding anything in the provisions of paragraph A above, the present Agreement shall not be considered as affecting:

(i) the obligation of the appropriate authorities in Germany to secure at a future date the discharge of claims against Germany and German nationals arising out of contracts and other obligations entered into, and rights acquired, before the existence of a state of war between Germany and the Signatory Government concerned or before the occupation of its territory by Germany, whichever was earlier;

(ii) the claims of Social Insurance Agencies of the Signatory Governments or the claims of their nationals against the Social Insurance Agencies of the former German Government; and

(iii) banknotes of the Reichsbank and the Rentenbank, it being understood that their realization shall not have the result of reducing improperly the amount of reparation and shall not be effected without the approval of the Control Council for Germany.

D. Notwithstanding the provisions of Paragraph A of this Article, the Signatory Governments agree that, so far as they are concerned, the Czechoslovak Government will be entitled to draw upon the Giro account of the National Bank of Czechoslovakia at the Reichsbank, should such action be decided upon by the Czechoslovak Government and approved by the Control Council for Germany, in connection with the movement from Czechoslovakia to Germany of former Czechoslovak nationals.

ARTICLE 3.

Waiver of Claims Regarding Property Allocated as Reparation.

Each of the Signatory Governments agrees that it will not assert, initiate actions in international tribunals in respect of, or give diplomatic support to claims on behalf of itself or those persons entitled to its protection against any other Signatory Government or its nationals in respect of property received by that Government as reparation with the approval of the Control Council for Germany.

ARTICLE 4.

General Principles for the Allocation of Industrial and other Capital Equipment.

A. No Signatory Government shall request the allocation to it as reparation of any industrial or other capital equipment removed from Germany except for use in its own territory or for use by its own nationals outside its own territory.

B. In submitting requests to the Inter-Allied Reparation Agency, the Signatory Governments should endeavour to submit comprehensive programs of requests for related groups of items, rather than requests for isolated items or small groups of items. It is recognized that the work of the Secretariat of the Agency will be more effective,

the more comprehensive the programs which Signatory Governments submit to it.

C. In the allocation by the Inter-Allied Reparation Agency of items declared available for reparation (other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany), the following general principles shall serve as guides:

(i) Any item or related group of items in which a claimant country has a substantial prewar financial interest shall be allocated to that country if it so desires. Where two or more claimants have such substantial interests in a particular item or group of items, the criteria stated below shall guide the allocation:

(ii) If the allocation between competing claimants is not determined by paragraph (i), attention shall be given, among other relevant factors, to the following considerations:

a. The urgency of each claimant country's needs for the items or item to rehabilitate, reconstruct or restore to full activity the claimant country's economy;

b. The extent to which the item or items would replace property which was destroyed, damaged or looted in the war, or requires replacement because of excessive wear in war production, and which is important to the claimant country's economy;

c. The relation of the item or items to the general pattern of the claimant country's prewar economic life and to programs for its post-war economic adjustment or development;

d. The requirements of countries whose reparation shares are small but which are in need of certain specific items or categories of items.

(iii) In making allocations a reasonable balance shall be maintained among the rates at which the reparation shares of the several claimant Governments are satisfied, subject to such temporary exceptions as are justified by the considerations under paragraph (ii) (*a*) above.

ARTICLE 5.

General Principles for the Allocation of Merchant Ships and Inland Water Transport.

A. (i) German merchant ships available for distribution as reparation among the Signatory Governments shall be distributed among them in proportion to the respective over-all losses of merchant shipping, on a gross tonnage basis, of the Signatory Governments and their nationals through acts of war. It is recognized that transfers of merchant ships by the United Kingdom and United States Governments to other Governments are subject to such final approvals by the legislatures of the United Kingdom and United States of America as may be required.

(ii) A special committee, composed of representatives of the Signatory Governments, shall be appointed by the assembly of the Inter-Allied Reparation Agency to make recommendations concerning the determination of such losses and the allocation of German merchant ships available for distribution.

(iii) The value of German merchant ships for reparation accounting purposes shall be the value determined by the Tri-partite Merchant Marine Commission in terms of 1938 prices in Germany plus 15 per cent, with an allowance for depreciation.

B. Recognizing that some countries have special need for inland water transport, the distribution of inland water transport shall be dealt with by a special committee appointed by the Assembly of the Inter-Allied Reparation Agency in the event that inland water transport becomes available at a future time as reparation for the Signatory Governments.

The valuation of inland water transport will be made on the basis adopted for the valuation of merchant ships or on an equitable basis in relation to that adopted for merchant ships.

ARTICLE 6.

German External Assets.

A. Each Signatory Government shall, under such procedures as it may choose, hold or dispose of German enemy assets within its jurisdiction in manners designed to preclude their return to German ownership or control and shall charge against its reparation share such assets (net of accrued taxes, liens, expenses of administration, other *in rem* charges against specific items and legitimate contract claims against the German former owners of such assets).

B. The Signatory Governments shall give to the Inter-Allied Reparation Agency all information for which it asks as to the value of such assets and the amounts realized from time to time by their liquidation.

C. German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries. The net proceeds of liquidation or disposition shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account.

D. In applying the provisions of paragraph A above, assets which were the property of a country which is a member of the United Nations or its nationals who were not nationals of Germany at the time of the occupation or annexation of this country by Germany, or of its entry into war, shall not be charged to its reparation account. It is understood that this provision in no way prejudices any questions which may arise as regards assets which were not the property of a national of the country concerned at the time of the latter's occupation or annexation by Germany or of its entry into war.

E. The German enemy assets to be charged against reparation shares shall include assets which are in reality German enemy assets, despite the fact that the nominal owner of such assets is not a German enemy.

Each Signatory Government shall enact legislation or take other appropriate steps, if it has not already done so, to render null and void all transfers made, after the occupation of its territory or its entry into war, for the fraudulent purpose of cloaking German enemy interests, and thus saving them harmless from the effect of control measures regarding German enemy interests.

F. The Assembly of the Inter-Allied Reparation Agency shall set up a Committee of Experts in matters of enemy property custodian.

ship in order to overcome practical difficulties of law and interpretation which may arise. The Committee should in particular guard against schemes which might result in effecting fictitious or other transactions designed to favour enemy interests, or to reduce improperly the amount of assets which might be allocated to reparation.

ARTICLE 7.

Captured Supplies.

The value of supplies and other materials susceptible of civilian use captured from the German Armed Forces in areas outside Germany and delivered to Signatory Governments shall be charged against their reparation shares in so far as such supplies and materials have not been or are not, in the future either paid for or delivered under arrangements precluding any charge.

It is recognized that transfers of such supplies and materials by the United Kingdom and United States Governments to other Governments are agreed to be subject to such final approval by the legislature of the United Kingdom or the United States of America as may be required.

ARTICLE 8.

Allocation of a Reparation Share to Nonrepatriable Victims of German Action.

In recognition of the fact that large numbers of persons have suffered heavily at the hands of the Nazis and now stand in dire need of aid to promote their rehabilitation but will be unable to claim the assistance of any Government receiving reparation from Germany, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, shall as soon as possible work out in common agreement a plan on the following general lines:

A. A share of reparation consisting of all the non-monetary gold found by the Allied Armed Forces in Germany and in addition a sum not exceeding 25 million dollars shall be allocated for the rehabilitation and resettlement of non-repatriable victims of German action.

B. The sum of 25 million dollars shall be met from a portion of the proceeds of German assets in neutral countries which are available for reparation.

C. Governments of neutral countries shall be requested to make available for this purpose (in addition to the sum of 25 million dollars) assets in such countries of victims of Nazi action who have since died and left no heirs.

D. The persons eligible for aid under the plan in question shall be restricted to true victims of Nazi persecution and to their immediate families and dependents, in the following classes:

(i) Refugees from Nazi Germany or Austria who require aid and cannot be returned to their countries within a reasonable time because of prevailing conditions;

(ii) German and Austrian nationals now resident in Germany or Austria in exceptional cases in which it is reasonable on grounds of

humanity to assist such persons to emigrate and providing they emigrate to other countries within a reasonable period;

(iii) Nationals of countries formerly occupied by the Germans who cannot be repatriated or are not in a position to be repatriated within a reasonable time. In order to concentrate aid on the most needy and deserving refugees and to exclude persons whose loyalty to the United Nations is or was doubtful, aid shall be restricted to nationals or former nationals of previously occupied countries who were victims of German concentration camps or of concentration camps established by regimes under Nazi influence but not including persons who have been confined only in prisoners of war camps.

E. The sums made available under paragraphs A and B above shall be administered by the Inter-Governmental Committee on Refugees or by a United Nations Agency to which appropriate functions of the Inter-Governmental Committee may in the future be transferred. The sums made available under paragraph C above shall be administered for the general purposes referred to in this Article under a program of administration to be formulated by the five Governments named above.

F. The non-monetary gold found in Germany shall be placed at the disposal of the Inter-Governmental Committee on Refugees as soon as a plan has been worked out as provided above.

G. The Inter-Governmental Committee on Refugees shall have power to carry out the purposes of the fund through appropriate public and private field organizations.

H. The fund shall be used, not for the compensation of individual victims, but to further the rehabilitation or resettlement of persons in the eligible classes.

I. Nothing in this Article shall be considered to prejudice the claims which individual refugees may have against a future German Government, except to the amount of the benefits that such refugees may have received from the sources referred to in paragraph A and C above.

* * * * *

PART IV.

Entry into force and signature.

ARTICLE 1.

Entry into force.

This Agreement shall be open for signature on behalf of any Government represented at the Paris Conference on Reparation.

As soon as it has been signed on behalf of Governments collectively entitled to not less than 80 p. 100 of the aggregate of shares in Category A of German reparation, it shall come into force¹ among such Signatory Governments.

The Agreement shall thereafter be in force among such Governments and those Governments on whose behalf it is subsequently signed.

¹ The agreement came into force on Jan. 24, 1946.

ARTICLE 2.

Signature.

The signature of each contracting Government shall be deemed to mean that the effect of the present Agreement extends to the colonies and overseas territories of such Government, and to territories under its protection or suzerainty or over which it at present exercises a mandate.

* * * * *

[EXTRACT FROM THE CONVENTION ON THE SETTLEMENT OF MATTERS ARISING OUT OF THE WAR AND THE OCCUPATION, AS AMENDED]

[S. Doc. No. 11, 84th Cong., 1st Sess.]

The UNITED STATES OF AMERICA, the UNITED KINGDOM OF GREAT BRITAIN and NORTHERN IRELAND and the FRENCH REPUBLIC (hereinafter referred to as "the Three Powers"), of the one part, and the FEDERAL REPUBLIC OF GERMANY, of the other part, AGREE AS FOLLOWS:

* * * * *

CHAPTER SIX—REPARATION

ARTICLE 1

1. The problem of reparation shall be settled by the peace treaty between Germany and its former enemies or by earlier agreements concerning this matter. The Three Powers undertake that they will at no time assert any claim for reparation against the current production of the Federal Republic.

2. Pending the final settlement envisaged in paragraph 1 of this Article, the following provisions shall apply.

* * * * *

ARTICLE 3

1. The Federal Republic shall in the future raise no objections against the measures which have been, or will be, carried out with regard to German external assets or other property, seized for the purpose of reparation or restitution, or as a result of the state of war, or on the basis of agreements concluded, or to be concluded, by the Three Powers with other Allied countries, neutral countries or former allies of Germany.

2. The Federal Republic shall abide by such provisions regulating German external assets in Austria as are set forth in any agreement to which the Powers now in occupation of Austria are parties or as may be contained in the future State Treaty with Austria.

3. No claim or action shall be admissible against persons who shall have acquired or transferred title to property on the basis of the measures referred to in paragraphs 1 and 2 of this Article, or against international organizations, foreign governments or persons who have acted upon instructions of such organizations or governments.

ARTICLE 4

1. Where German external assets have not been transferred or liquidated, or where no disposition has been made in respect of the proceeds of their liquidation, the Federal Republic may negotiate agreements regarding them with all countries which have been at war with Germany since 1 September 1939 but are not members of the Inter-Allied Reparation Agency (IARA).

2. Moreover, the Federal Republic may negotiate agreements with the member countries of IARA, provided such agreements relate only to

- (a) property of the types which member countries of the IARA may, under Part III of the IARA accounting rules, voluntarily exclude from the charge to be made under Part II of the rules;
- (b) securities of German issue expressed in Reichsmarks;
- (c) pensions;
- (d) a final date for sequestration of German property in countries in which such a date has not yet been determined.

3. Regarding property taken as German assets in Portugal, Spain, Sweden and Switzerland, with respect to which agreements concluded by the Three Powers are, or will be, in force, the Federal Republic may negotiate with those countries arrangements in implementation of such agreements concerning the nature and amount of compensation to be paid to former German owners of assets in those countries. The Three Powers shall have the right to participate in such negotiations.

4. Apart from the questions referred to in the preceding paragraphs of this Article, the Federal Republic may, after due notification to the Three Powers, negotiate with any country agreements on other questions concerning German external assets unless the Three Powers specifically object thereto.

ARTICLE 5

The Federal Republic shall ensure that the former owners of property seized pursuant to the measures referred to in Articles 2 and 3 of this Chapter shall be compensated.

* * * * *

CHAPTER NINE—CLAIMS AGAINST FOREIGN NATIONS OR NATIONALS

ARTICLE 1

Without prejudice to the terms of a peace settlement with Germany, German nationals who are subject to the jurisdiction of the Federal Republic shall not assert against countries which have signed or acceded to the United Nations Declaration of 1 January 1942, or have been at war with Germany, or are specified in Article 5 of Chapter Five of the present Convention, or against the nationals of such countries, claims of any description arising out of actions taken or authorized by the Governments of these countries between 1 September 1939 and 5 June 1945 because of the existence of a state of war in Europe, nor shall such claims be asserted in any court of the Federal Republic by any person.

ARTICLE 2

Without prejudice to the terms of a peace settlement with Germany, the Federal Republic confirms that no governmental claims on behalf of Germany arising out of actions taken or authorized by the Governments of the countries referred to in Article 1 of this Chapter between 1 September 1939 and 5 June 1945 because of the existence of a state of war in Europe may be asserted prior to the negotiation of the peace settlement.

ARTICLE 3

1. The provisions of this Article are applicable during the period until the entry into force of a peace settlement with Germany.

2. The Federal Republic recognizes that no claims of any kind arising out of acts or omissions of the Three Powers or any one of them, or of organizations or persons who have acted on their behalf or under their authority, which took place in respect of Germany, German nationals or German property, or in Germany, between 5 June 1945 and the entry into force of the present Convention, may be asserted by the Federal Republic or by persons subject to its jurisdiction against the Three Powers or any one of them or against organizations or persons who have acted on their behalf or under their authority.

3. The Federal Republic assumes responsibility for the decision and satisfaction of claims for compensation for occupation damages which were sustained between 1 August 1945 and the entry into force of the present Convention and for which compensation is payable under the provisions of Allied High Commission Law No. 47, as amended by Allied High Commission Law No. 79. The Federal Republic will determine which of the other claims referred to in paragraph 2 of this Article, insofar as they arose in the Federal territory, should appropriately be satisfied and will take such measures as are necessary for the determination and satisfaction of such claims.

4. The provisions of this Article shall not apply to claims arising under contracts providing for payments from national funds of any of the Three Powers.

5. The Federal Government shall carry out all decisions taken with regard to claims specified in paragraph 3 of this Article by the authorities of the Three Powers or any one of them before the entry into force of the present Convention unless such decisions have already been carried out.

* * * * *

CHAPTER TEN—FOREIGN INTERESTS IN GERMANY

ARTICLE 1

1. Insofar as this has not already been done, the Federal Republic will take all steps necessary to ensure that the nations, persons, and companies referred to in paragraph 3 of this Article shall be able to secure the return of their property in its present condition, and the restoration of their rights and interests in the Federal territory to the extent to which such property, rights or interests suffered discrimina-

tory treatment. The property, rights and interests of the nations, persons and companies referred to in paragraph 3 shall be freed by the Federal Republic from all encumbrances and charges of any kind to which they may have become subject as a result of discriminatory treatment. No costs shall be imposed either in connection with the return or restoration or with the removal of encumbrances or charges. Equitable conditions may, however, be imposed to prevent the unjust enrichment of any nation, person or company referred to in paragraph 3.

2. On the entry into force of the present Convention, the Federal Republic shall establish, and give adequate publicity to, the procedure described in the Annex to this Chapter for the filing and consideration of claims based on the provisions of this Article and for the satisfaction of awards based on such claims. Such claims shall be filed within twelve months from the establishment of such procedure. The Federal Republic shall also make available, so far as possible, all information concerning the administration by custodians of property, rights or interests to any interested party who may request it.

3. The following shall be entitled to claim under the provisions of this Article:

- (a) United Nations and their nationals,
- (b) the successors of such nationals, and
- (c) companies organized under German law in which United

Nations nationals own participation, provided that such nationals or, except in the case of direct successors by inheritance or testamentary disposition, their successors were United Nations nationals at the date of the discriminatory treatment.

4. The term "discriminatory treatment" as used in this Article shall mean action of all kinds applied between 1 September 1939 and 8 May 1945 to any property, rights or interests, as a result of any exceptional measures which were not applicable generally to all non-German property, rights or interests, and giving rise to prejudice, deprivation or impairment without the free consent of the interested parties and without adequate compensation. Anything done or omitted under the German Ordinance on the Treatment of Enemy Properties of 15 January 1940 or any amendment thereto, or any other regulations having a similar purpose, may be held to amount to discriminatory treatment, even though within the scope of such Ordinance, amendments or regulations, where it appears that

- (a) injury to foreign property, rights or interests resulted therefrom; and
- (b) the injury inflicted could have been avoided without infringing such Ordinance, amendments or regulations.

5. The provisions of this Article are not applicable to claims which are dealt with under Chapters Three and Four of the present Convention.

6. The provisions of this Article are not intended to cover compensation for loss or damage to property, rights or interests due to discriminatory treatment or resulting indirectly or directly from the war by any other means, but shall not affect the right of any of the United Nations to advance during negotiation for a peace settlement any claim for compensation of this nature with respect to its own or its nationals' property, rights or interests.

ARTICLE 2

Insofar as they affect foreign creditors of German debtors, the Federal laws on periods of limitation (including preclusion and prescription) of 28 December 1950 and 30 March 1951 (Gesetz ueber den Ablauf der durch Kriegs- oder Nachkriegsvorschriften gehemmten Fristen and Gestsz zur Ergaenzung des Gesetzes ueber den Ablauf der durch Kriegs- oder Nachkriegsvorschriften gehemmten Fristen (Bundesgesetzblatt 1950, Seite 821 and 1951, Teil I, Seite 213), together with Allied High Commission Law No. 67 on the same subject, shall be maintained in force. This legislation shall be reviewed by the Federal Republic in agreement with the other Signatory States on the basis of the provisions of the Agreement on German External Debts, concluded in London on 27 February 1953, insofar as this legislation involves claims dealt with in that Agreement.

ARTICLE 3

Without prejudice to the terms of the final peace settlement with Germany, the United Nations and their nationals shall enjoy, on the same basis as German nationals residing in the Federal territory, such compensation for war damage relating to property located in the Federal territory as may be provided by the Federal Republic or any of its Länder, but not Integration Aid (Eingliederungshilfe) or Housing Aid (Wohnraumhilfe).

ARTICLE 4

The Federal Republic reaffirms that under German law the state of war shall not in itself be regarded as affecting obligations to pay pecuniary debts arising out of obligations and contracts which existed, and rights which were acquired, before the commencement of the state of war.

ARTICLE 5

Any United Nations national, or the successor of such a national who is also a United Nations national, shall have the right to institute, within one year from the entry into force of the present Convention, an action for the revision of any judgment delivered by a German Court between 1 September 1939 and 8 May 1945 in any proceeding in which such national was a party and was physically, morally or legally unable to make adequate presentation of his case.

ARTICLE 6

1. Pending a final settlement of claims against Germany arising out of the war, the persons defined in paragraph 2 of this Article, and their property, shall be exempt from any exceptional taxes, levies or imposts, the incidence of which is in fact on property, imposed for the specific purpose of meeting charges arising out of the war or out of reparation or restitution to any of the United Nations.

2. Where any such tax, levy or impost is levied only partly for the purposes described in paragraph 1 of this Article, the exemption to be granted shall in principle be proportionate to the part of such taxes, levies or imposts imposed for these purposes. In the particular

cases of the levies prescribed by the legislation of the Bizonal Economic Council and by the corresponding legislation of the Länder of Rhineland—Palatinate, Baden and Wuerttemberg-Hohenzollern, concerning Immediate Aid (Soforthilfe) and by the Law on Equalization of Burdens of 14 August 1952 (Bundesgesetzblatt Teil I Seite 446), the persons and property described in the following provisions of this Article shall be exempted, to the extent provided, from payments falling due in the six-year period from 1 April 1949 to 31 March 1955 as Immediate Aid levies, and as the property levy under the Equalization of Burdens:

(a) natural persons who were nationals of any of the United Nations on the currency reform date (21 June 1948), and companies, associations of persons and trusts (Koerperschaften, Personenvereinigungen und Vermoegensmassen), which are independently liable for taxation under German law, organized under the laws of one of the United Nations, shall, if subject to unlimited tax liability, be exempted in respect of all property owned by them both on 21 June 1948 and on 8 May 1945 or, if subject to limited tax liability, in respect of all property owned by them in the Federal Republic or Berlin (West). Citizens of any territorial entity or nation referred to in sub-paragraph (c) of Article 1 of Allied High Commission Law No. 54 shall enjoy the same exemption if they had the nationality of any of the United Nations at any time between 1 September 1939 and 21 June 1948;

(b) companies organized under German law, which are independently liable for taxation, in which the natural persons or companies, associations of persons or trusts described in sub-paragraph (a) of this paragraph owned on 21 June 1948 and on 8 May 1945, directly or through the medium of other companies, a shareholding interest of at least 85 per cent shall be exempted in proportion to such shareholding interest;

(c) natural persons who do not qualify for exemption under sub-paragraph (a) of this paragraph and who claim or have claimed restitution or compensation pursuant to the legislation referred to in sub-paragraph (a) of paragraph 1 of Article 1 of Chapter Three of the present Convention shall be exempted on the first DM150,000 in value or amount of property of any kind which has been or will be transferred to them under orders, decisions or recorded agreements pursuant to such legislation which would be taxable under the provisions concerning Immediate Aid levies or the property levy under the Equalization of Burdens;

(d) the exemptions prescribed in sub-paragraphs (a) to (c) inclusive of this paragraph shall not become inoperative on the ground that the property concerned has devolved upon other persons on or after 21 June 1948.

3. For the purposes of sub-paragraph (a) of paragraph 2 of this Article, property which the owner on 21 June 1948 did not own on 8 May 1945 shall be deemed to have been owned by him on 8 May 1945 if

(a) the property was owned on 8 May 1945 by a person (of any nationality), from whom he acquired it through succession on death (by one or a series of inheritances or testamentary dispositions); or

(b) he acquired the property after 8 May 1945 in exchange for other property owned by him on that date (for example, through purchase); or

(c) the property concerned is restituted property of any kind, without limitation as to the value or amount, referred to in sub-paragraph (c) of paragraph 2 of this Article.

4. For the purposes of sub-paragraph (b) of paragraph 2 of this Article, the provisions of paragraph 3 of this Article shall be applicable *mutatis mutandis*.

5. Where payments made under the provisions of the Immediate Aid by natural persons, companies, associations of persons and trusts entitled to exemption under paragraph 2 of this Article exceed amounts of the property levy falling due for the same period taking into account the provisions of paragraph 2, the overpayment shall, not later than three months after the effective date of the notice of assessment issued by the German tax office concerning the property levy, be either refunded or set off against liabilities due for payment or which become due within three months thereafter.

6. In cases in which natural persons, companies, associations of persons or trusts enjoy exemption from the property levy by virtue of this Article, the annual amount to be paid in respect of the property levy for the period after the expiration of the exemption period shall not, either because of this exemption or because of the non-payment of the property levy or the Immediate Aid levy, be higher than the annual amount which would be payable by non-exempted natural persons, companies, associations of persons or trusts who have paid the Immediate Aid levy in full. If in computing the property levy the Immediate Aid levy is to be set off in the manner proposed in the draft law submitted to the Bundestag (Bundestag Document No. 3300), that is, by deduction of the Immediate Aid levy from the total liability for the property levy, then in cases where the Immediate Aid levy has not been imposed, three times the basic annual payment under the property levy is to be deducted from the total liability; the basic annual payment shall for this purpose be the amount resulting from the application of the annual contribution rates to the total liability.

7. In computing the liability for the purposes of any other levy under the Equalization of Burdens Law, natural persons, companies, associations of persons and trusts enjoying the exemptions under this Article shall be treated as though they had paid the full amount of property levy.

8. In cases under sub-paragraph (b) of paragraph 2 of this Article both the company, and any shareholder who believes the company should be exempted with respect to his participation, shall be entitled to all legal remedies available.

* * * * *

ARTICLE 10

If the Federal Republic concludes with any other Power, on matters within the scope of Articles 1 to 9 inclusive of this Chapter, arrangements more favourable to such other Power than the corresponding provisions of those Articles, the benefits of such new arrangements shall automatically be extended to all Powers benefiting from the corresponding provisions of those Articles.

ARTICLE 11

In the expectation that such a policy will be applied by such Nations toward the Federal Republic, the Federal Republic declares its intention to pursue a general policy of non-discrimination toward the United Nations and their nationals and toward the property, rights and interests of such Nations and nationals, and in general to accord national and most-favoured nation treatment in matters affecting such Nations and nationals and their property, rights and interests in the field of establishment and navigation. The Federal Republic further declares its readiness to enter into treaties with the United Nations based on these principles.

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[EXTRACT FROM THE TREATY OF PEACE WITH JAPAN]

[ENTERED INTO FORCE APRIL 28, 1952]

[TIAS 2490]

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CHAPTER V

Claims and Property

ARTICLE 14

(a) It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations.

Therefore,

1. Japan will promptly enter into negotiations with Allied Powers so desiring, whose present territories were occupied by Japanese forces and damaged by Japan, with a view to assisting to compensate those countries for the cost of repairing the damage done, by making available the services of the Japanese people in production, salvaging and other work for the Allied Powers in question. Such arrangements shall avoid the imposition of additional liabilities on other Allied Powers, and, where the manufacturing of raw materials is called for, they shall be supplied by the Allied Powers in question, so as not to throw any foreign exchange burden upon Japan.

2. (I) Subject to the provisions of sub-paragraph (II) below, each of the Allied Powers shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of

(a) Japan and Japanese nationals,

(b) persons acting for or on behalf of Japan or Japanese nationals, and

(c) entities owned or controlled by Japan or Japanese nationals, which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this sub-paragraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which belonged to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

(II) The following shall be excepted from the right specified in subparagraph (I) above:

(i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and not released from such restrictions as of the date of the first coming into force of the present Treaty;

(ii) all real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;

(iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;

(iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to September 2, 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;

(v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in sub-paragraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a basis as favorable to Japan as circumstances ruling in each country will permit.

(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation.

ARTICLE 15

(a) Upon application made within nine months of the coming into force of the present Treaty between Japan and the Allied Power concerned, Japan will, within six months of the date of such application, return the property, tangible and intangible, and all rights or interests of any kind in Japan of each Allied Power and its nationals which was within Japan at any time between December 7, 1941, and September 2, 1945, unless the owner has freely disposed thereof without duress or fraud. Such property shall be returned free of all encumbrances and charges to which it may have become subject because of the war, and without any charges for its return. Property whose return is not applied for by or on behalf of the owner or by his Government within the prescribed period may be disposed of by the Japanese Government as it may determine. In cases where such property was within Japan on December 7, 1941, and cannot be returned or has suffered injury or damage as a result of the war, compensation will be made on terms not less favorable than the terms provided in the draft Allied Powers Property Compensation Law approved by the Japanese Cabinet on July 13, 1951.

(b) With respect to industrial property rights impaired during the war, Japan will continue to accord to the Allied Powers and their nationals benefits no less than those heretofore accorded by Cabinet Orders No. 309 effective September 1, 1949, No. 12 effective January 28, 1950, and No. 9 effective February 1, 1950, all as now amended, provided such nationals have applied for such benefits within the time limits prescribed therein.

(c) (i) Japan acknowledges that the literary and artistic property rights which existed in Japan on December 6, 1941, in respect to the published and unpublished works of the Allied Powers and their nationals have continued in force since that date, and recognizes those rights which have arisen, or but for the war would have arisen, in Japan since that date, by the operation of any conventions and agreements to which Japan was a party on that date, irrespective of whether or not such conventions or agreements were abrogated or suspended upon or since the outbreak of war by the domestic law of Japan or of the Allied Power concerned.

(ii) Without the need for application by the proprietor of the right and without the payment of any fee or compliance with any other formality, the period from December 7, 1941, until the coming into force of the present Treaty between Japan and the Allied Power concerned shall be excluded from the running of the normal term of such rights; and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.

ARTICLE 16

As an expression of its desire to indemnify those members of the armed forces of the Allied Powers who suffered undue hardships while prisoners of war of Japan, Japan will transfer its assets and those of its nationals in countries which were neutral during the war, or which were at war with any of the Allied Powers, or, at its option, the equivalent of such assets, to the International Committee of the Red Cross

which shall liquidate such assets and distribute the resultant fund to appropriate national agencies, for the benefit of former prisoners of war and their families on such basis as it may determine to be equitable. The categories of assets described in Article 14 (a) 2 (II) (ii) through (v) of the present Treaty shall be excepted from transfer, as well as assets of Japanese natural persons not residents of Japan on the first coming into force of the Treaty. It is equally understood that the transfer provision of this Article has no application to the 19,770 shares in the Bank for International Settlements presently owned by Japanese financial institutions.

ARTICLE 17

(a) Upon the request of any of the Allied Powers, the Japanese Government shall review and revise in conformity with international law any decision or order of the Japanese Prize Courts in cases involving ownership rights of nationals of that Allied Power and shall supply copies of all documents comprising the records of these cases, including the decisions taken and orders issued. In any case in which such review or revision shows that restoration is due, the provisions of Article 15 shall apply to the property concerned.

(b) The Japanese Government shall take the necessary measures to enable nationals of any of the Allied Powers at any time within one year from the coming into force of the present Treaty between Japan and the Allied Power concerned to submit to the appropriate Japanese authorities for review any judgment given by a Japanese court between December 7, 1941, and such coming into force, in any proceedings in which any such national was unable to make adequate presentation of his case either as plaintiff or defendant. The Japanese Government shall provide that, where the national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances.

ARTICLE 18

(a) It is recognized that the intervention of the state of war has not affected the obligation to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed and rights which were acquired before the existence of a state of war, and which are due by the Government or nationals of Japan to the Government or nationals of one of the Allied Powers, or are due by the Government or nationals of one of the Allied Powers to the Government or nationals of Japan. The intervention of a state of war shall equally not be regarded as affecting the obligation to consider on their merits claims for loss or damage to property or for personal injury or death which arose before the existence of a state of war, and which may be presented or re-presented by the Government of one of the Allied Powers to the Government of Japan, or by the Government of Japan to any of the Governments of the Allied Powers. The provisions of this paragraph are without prejudice to the rights conferred by Article 14.

(b) Japan affirms its liability for the prewar external debt of the Japanese State and for debts of corporate bodies subsequently declared

to be liabilities of the Japanese State, and expresses its intention to enter into negotiations at an early date with its creditors with respect to the resumption of payments on those debts; to encourage negotiations in respect to other prewar claims and obligations; and to facilitate the transfer of sums accordingly.

ARTICLE 19

(a) Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty.

(b) The foregoing waiver includes any claims arising out of actions taken by any of the Allied Powers with respect to Japanese ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers, but does not include Japanese claims specifically recognized in the laws of any Allied Power enacted since September 2, 1945.

(c) Subject to reciprocal renunciation, the Japanese Government also renounces all claims (including debts) against Germany and German nationals on behalf of the Japanese Government and Japanese nationals, including intergovernmental claims and claims for loss or damage sustained during the war, but excepting (a) claims in respect of contracts entered into and rights acquired before September 1, 1939, and (b) claims arising out of trade and financial relations between Japan and Germany after September 2, 1945. Such renunciation shall not prejudice actions taken in accordance with Articles 16 and 20 of the present Treaty.

(d) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time, and will take no action subjecting Allied nationals to civil or criminal liability arising out of such acts or omissions.

ARTICLE 20

Japan will take all necessary measures to ensure such disposition of German assets in Japan as has been or may be determined by those powers entitled under the Protocol of the proceedings of the Berlin Conference of 1945 to dispose of those assets, and pending the final disposition of such assets will be responsible for the conservation and administration thereof.

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**[EXTRACT FROM THE TREATY OF PEACE WITH
BULGARIA]**

[ENTERED INTO FORCE SEPTEMBER 15, 1947]

[TIAS 1650]

[NOTE.—Similar provisions were contained in the Treaties of Peace with
Italy, Roumania and Hungary]

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PART VI

ECONOMIC CLAUSES

Article 23

1. In so far as Bulgaria has not already done so, Bulgaria shall restore all legal rights and interests in Bulgaria of the United Nations and their nationals as they existed on April 24, 1941, and shall return all property in Bulgaria of the United Nations and their nationals as it now exists.

2. The Bulgarian Government undertakes that all property, rights and interests passing under this Article shall be restored free of all encumbrances and charges of any kind to which they may have become subject as a result of the war and without the imposition of any charges by the Bulgarian Government in connection with their return. The Bulgarian Government shall nullify all measures, including seizures, sequestration or control, taken by it against United Nations property between April 24, 1941, and the coming into force of the present Treaty. In cases where the property has not been returned within six months from the coming into force of the present Treaty, application shall be made to the Bulgarian authorities not later than twelve months from the coming into force of the Treaty, except in cases in which the claimant is able to show that he could not file his application within this period.

3. The Bulgarian Government shall invalidate transfers involving property, rights and interests of any description belonging to United Nations nationals, where such transfers resulted from force or duress exerted by Axis Governments or their agencies during the war.

4. (a) The Bulgarian Government shall be responsible for the restoration to complete good order of the property returned to United Nations nationals under paragraph 1 of this Article. In cases where property cannot be returned or where, as a result of the war, a United Nations national has suffered a loss by reason of injury or damage to property in Bulgaria, he shall receive from the Bulgarian Government compensation in levas to the extent of two-thirds of the sum necessary, at the date of payment, to purchase similar property or to make good the loss suffered. In no event shall United Nations nationals receive less favourable treatment with respect to compensation than that accorded to Bulgarian nationals.

(b) United Nations nationals who hold, directly or indirectly, ownership interests in corporations or associations which are not United Nations nationals within the meaning of paragraph 8 (a) of this Article, but which have suffered a loss by reason of injury or dam-

age to property in Bulgaria, shall receive compensation in accordance with sub-paragraph (a) above. This compensation shall be calculated on the basis of the total loss or damage suffered by the corporation or association and shall bear the same proportion to such loss or damage as the beneficial interests of such nationals in the corporation or association bear to the total capital thereof.

(c) Compensation shall be paid free of any levies, taxes or other charges. It shall be freely usable in Bulgaria but shall be subject to the foreign exchange control regulations which may be in force in Bulgaria from time to time.

(d) The Bulgarian Government shall accord to United Nations nationals the same treatment in the allocation of materials for the repair or rehabilitation of their property in Bulgaria and in the allocation of foreign exchange for the importation of such materials as applies to Bulgarian nationals.

(e) The Bulgarian Government shall grant United Nations nationals an indemnity in levas at the same rate as provided in sub-paragraph (a) above to compensate them for the loss or damage due to special measures applied to their property during the war, and which were not applicable to Bulgarian property. This sub-paragraph does not apply to a loss of profit.

5. All reasonable expenses incurred in Bulgaria in establishing claims, including the assessment of loss or damage, shall be borne by the Bulgarian Government.

6. United Nations nationals and their property shall be exempted from any exceptional taxes, levies or imposts imposed on their capital assets in Bulgaria by the Bulgarian Government or any Bulgarian authority between the date of the Armistice and the coming into force of the present Treaty for the specific purpose of meeting charges arising out of the war or of meeting the costs of occupying forces or of reparation payable to any of the United Nations. Any sums which have been so paid shall be refunded.

7. The owner of the property concerned and the Bulgarian Government may agree upon arrangements in lieu of the provisions of this Article.

8. As used in this Article:

(a) "United Nations nationals" means individuals who are nationals of any of the United Nations, or corporations or associations organised under the laws of any of the United Nations, at the coming into force of the present Treaty, provided that the said individuals, corporations or associations also had this status at the date of the Armistice with Bulgaria.

The term "United Nations nationals" also includes all individuals, corporations or associations which, under the laws in force in Bulgaria during the war, have been treated as enemy;

(b) "Owner" means the United Nations national, as defined in sub-paragraph (a) above, who is entitled to the property in question, and includes a successor of the owner, provided that the successor is also a United Nations national as defined in sub-paragraph (a). If the successor has purchased the property in its damaged state, the transferor shall retain his rights to compensation under this Article, without prejudice to obligations between the transferor and the purchaser under domestic law;

(c) "Property" means all movable or immovable property, whether tangible or intangible, including industrial, literary and artistic property, as well as all rights or interests of any kind in property.

* * * * *

Article 25

1. Each of the Allied and Associated Powers shall have the right to seize, retain, liquidate or take any other action with respect to all property, rights and interests which at the coming into force of the present Treaty are within its territory and belong to Bulgaria or to Bulgarian nationals, and to apply such property or the proceeds thereof to such purposes as it may desire, within the limits of its claims and those of its nationals against Bulgaria or Bulgarian nationals, including debts, other than claims fully satisfied under other Articles of the present Treaty. All Bulgarian property, or the proceeds thereof, in excess of the amount of such claims, shall be returned.

2. The liquidation and disposition of Bulgarian property shall be carried out in accordance with the law of the Allied or Associated Power concerned. The Bulgarian owner shall have no rights with respect to such property except those which may be given him by that law.

3. The Bulgarian Government undertakes to compensate Bulgarian nationals whose property is taken under this Article and not returned to them.

4. No obligation is created by this Article on any Allied or Associated Power to return industrial property to the Bulgarian Government or Bulgarian nationals, or to include such property in determining the amounts which may be retained under paragraph 1 of this Article. The Government of each of the Allied and Associated Powers shall have the right to impose such limitations, conditions and restrictions on rights or interests with respect to industrial property in the territory of that Allied or Associated Power, acquired prior to the coming into force of the present Treaty by the Government or nationals of Bulgaria, as may be deemed by the Government of the Allied or Associated Power to be necessary in the national interest.

5. The property covered by paragraph 1 of this Article shall be deemed to include Bulgarian property which has been subject to control by reason of a state of war existing between Bulgaria and the Allied or Associated Power having jurisdiction over the property, but shall not include:

(a) Property of the Bulgarian Government used for consular or diplomatic purposes;

(b) Property belonging to religious bodies or private charitable institutions and used for religious or charitable purposes;

(c) Property of natural persons who are Bulgarian nationals permitted to reside within the territory of the country in which the property is located or to reside elsewhere in United Nations territory, other than Bulgarian property which at any time during the war was subjected to measures not generally applicable to the property of Bulgarian nationals resident in the same territory;

(d) Property rights arising since the resumption of trade and financial relations between the Allied and Associated Powers and

Bulgaria, or arising out of transactions between the Government of any Allied or Associated Power and Bulgaria since October 28, 1944;
 (e) Literary and artistic property rights.

* * * * *

Article 27

1. The existence of the state of war shall not, in itself, be regarded as affecting the obligation to pay pecuniary debts arising out of obligations and contracts which existed, and rights which were acquired, before the existence of the state of war, which became payable prior to the coming into force of the present Treaty, and which are due by the Government or nationals of Bulgaria to the Government or nationals of one of the Allied and Associated Powers or are due by the Government or nationals of one of the Allied and Associated Powers to the Government or nationals of Bulgaria.

2. Except as otherwise expressly provided in the present Treaty, nothing therein shall be construed as impairing debtor-creditor relationships arising out of pre-war contracts concluded either by the Government or nationals of Bulgaria.

Article 28

1. Bulgaria waives all claims of any description against the Allied and Associated Powers on behalf of the Bulgarian Government or Bulgarian nationals arising directly out of the war or out of actions taken because of the existence of a state of war in Europe after September 1, 1939, whether or not the Allied or Associated Power was at war with Bulgaria at the time, including the following:

(a) Claims for losses or damages sustained as a consequence of acts of forces or authorities of Allied or Associated Powers;

(b) Claims arising from the presence, operations or actions of forces or authorities of Allied or Associated Powers in Bulgarian territory;

(c) Claims with respect to the decrees or orders of Prize Courts of Allied or Associated Powers, Bulgaria agreeing to accept as valid and binding all decrees and orders of such Prize Courts on or after September 1, 1939, concerning Bulgarian ships or Bulgarian goods or the payment of costs;

(d) Claims arising out of the exercise or purported exercise of belligerent rights.

2. The provisions of this Article shall bar, completely and finally, all claims of the nature referred to herein, which will be henceforward extinguished, whoever may be the parties in interest. The Bulgarian Government agrees to make equitable compensation in levas to persons who furnished supplies or services on requisition to the forces of Allied or Associated Powers in Bulgarian territory and in satisfaction of non-combat damage claims against the forces of Allied or Associated Powers arising in Bulgarian territory.

3. Bulgaria likewise waives all claims of the nature covered by paragraph 1 of this Article on behalf of the Bulgarian Government or Bulgarian nationals against any of the United Nations whose diplomatic relations with Bulgaria were broken off during the war and

which took action in cooperation with the Allied and Associated Powers.

4. The waiver of claims by Bulgaria under paragraph 1 of this Article includes any claims arising out of actions taken by any of the Allied and Associated Powers with respect to Bulgarian ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising out of the Conventions on prisoners of war now in force.

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[EXTRACT FROM THE BRUSSELS AGREEMENT RELATING TO THE RESOLUTION OF CONFLICTING CLAIMS TO GERMAN ENEMY ASSETS]¹

[ENTERED INTO FORCE JANUARY 24, 1951]

[TIAS 2230]

The Governments Parties to the present Agreement,
Desiring to resolve conflicting claims to German enemy assets within their respective jurisdictions and to facilitate the disposal of such assets to the common advantage,
Have agreed as follows:

ARTICLE 1.

In dealing with German enemy assets the Parties to the present Agreement (hereinafter and in the Annex hereto referred to as Parties) shall be guided as far as possible, in their relations with each other, by the provisions set forth in the present Agreement and in its Annex (hereinafter and in the Annex hereto together referred to as the Agreement), and shall take such action to give effect to the Agreement as may be necessary and appropriate.

ARTICLE 2.

The Agreement shall not supersede any prior agreements concluded between any two or more Parties, or between a Party and another Government not a Party; provided that no such prior agreement between any of the Parties shall adversely affect the rights under the Agreement of another Party not party to the prior agreement, or those of its nationals.

When a prior agreement between a Party and another Government is deemed by a Party, not party to the prior agreement, to affect adversely its right under the Agreement or those of its nationals, the Party who is also party to the prior agreement shall approach the other Government in order to secure, if possible, such modification of the relevant provisions of the prior agreement as will render them consistent with the Agreement.

¹The following countries are parties to this Agreement: The United States, Belgium, Canada, Cuba, Denmark, Haiti, Honduras, Luxembourg, the Netherlands, and Nicaragua.

ARTICLE 3.

Nothing in the Agreement shall preclude any Party or Parties from concluding in the future any separate agreement; provided that such subsequent agreement shall not affect adversely the rights under the Agreement of another Party not party to the subsequent agreement, or those of its nationals.

ARTICLE 4.

If a dispute arises between two or more Parties with respect to the interpretation, implementation or application of the Agreement, such Parties shall endeavour by every means possible to settle such dispute by negotiation between themselves, which may include the use of a mutually acceptable conciliator with such powers as the Parties in dispute may agree. If the dispute is not resolved within a reasonable time by such negotiation, the dispute shall be settled in the manner provided in Part VI of the Annex.

ARTICLE 5.

The Agreement shall come into force, as respects Governments which have signed it before it comes into force, as soon as it has been signed at any time before September 1, 1951,² on behalf of Governments which, under Part I, Article 1 B of the Paris Agreement on Reparation of January 24, 1946, are collectively entitled to not less than 35 percent of the aggregate of shares in Category A of German reparations.

The Agreement shall remain open for signature by other Governments Members of the Inter-Allied Reparation Agency for a period of six months from the date upon which it comes into force, and shall become effective with respect to those Governments immediately upon signature.

ARTICLE 6.

If any Government which is not a member of the Inter-Allied Reparation Agency signifies in writing to the Government of Belgium within nine months of the date upon which the Agreement comes into force that it desires to become a Party to the Agreement, or to a similar agreement, the Parties will consider in consultation with one another and with that Government its participation in such an agreement; provided that nothing in this Article shall be deemed to qualify any right of any Party under Article 3 above.

ARTICLE 7.

Any Government to which the Agreement is open for signature may, in lieu of signing, give notification of accession, in writing, to the Government of Belgium, and a Government making such notification of accession shall be deemed to have signed the Agreement on the date of receipt of the notification by the Government of Belgium.

² Originally September 1, 1948. The date September 1, 1951, was substituted for the date in this paragraph by a protocol done in Brussels, Belgium, on January 24, 1951.

ARTICLE 8.

Any signatory Government may, at the time of signature or later, declare by notification in writing to the Government of Belgium that it desires the Agreement to apply to all or any of its overseas territories or colonies or territories under its suzerainty or protection or territories in respect of which it exercises a mandate or trusteeship, and the Agreement shall apply to the colonies and territories, named in the notification, from the date of receipt thereof by the Government of Belgium or from the date on which the Agreement comes into force in respect of the notifying Government, whichever is the later.

* * * * *

ANNEX

PART I

Property Owned by German Enemies

ARTICLE 1.

A.—For the purpose of this Article, “security” means any stock, bond, debenture, share or, in general, any similar property known as a “security”, in the country of issue.

B.—Where a security owned by a German enemy has been issued by a Party or by a governmental or private organisation or person within its territory but the certificate is in the territory of another Party, the certificate, whether in registered or in bearer form, shall be released to the former Party.

C.—A German enemy owner of a certificate issued by an administration office, voting trustee or similar organisation or person, and indicating a participation in one or more specifically named securities, shall be regarded as the owner of the amount of securities specifically indicated, and Paragraph B of this Article shall apply to these securities.

D.—A Party obliged under this Article to release a certificate shall not be required to release the income (in cash or otherwise) which has before July 1, 1947, been received in its territory by the releasing Party or by any person acting under its authority. Income received by such Party or person on or after July 1, 1947, shall be released to the Party entitled to the release of the certificate.

E.—A Party obliged under this Article to release a certificate shall not be required to release the proceeds of any liquidation by sale, redemption or otherwise, which were, on December 31, 1946, in the form of cash or of securities issued by that Party or by a Governmental or private organisation or person within its territory, even if such cash was reinvested or such securities were sold or traded after that date. If the proceeds were, on December 31, 1946, in the form of securities issued by another Party or by a Governmental or private organisation or person within its territory, such securities (or the proceeds of their liquidation after that date) shall be released to the latter Party.

ARTICLE 2.

A.—For the purpose of this Article, “currency” means any notes, coins or other similar monetary media except those of numismatic or historical value.

B.—Where currency has been issued by a Party or by a Governmental or private organisation acting under its authority but the currency is owned by a German enemy and is in the territory of another Party, the currency shall be released to the former Party.

C.—Where currency has been sold before January 1, 1947, no release shall be required; but release of the proceeds shall be required if sale has taken place on or after January 1, 1947.

D.—Nothing in this Article shall prejudice any rights or obligations which Parties may have under Part III of the Paris Agreement on Reparations.

ARTICLE 3.

Where a negotiable instrument (such as a bill of exchange, promissory note, cheque or draft), not covered by Article 4 of this Annex, owned by a German enemy, is in the territory of a Party and the principal obligor is resident in the territory of another Party, the instrument shall be released to the latter Party.

ARTICLE 4.

Where a bill of lading, warehouse receipt or other similar instrument, whether or not negotiable, owned by a German enemy, is in the territory of a Party but the property to which it relates is located in the territory of another Party, the instrument shall be released to the latter Party.

ARTICLE 5.

A.—A foreign currency account (“primary account”) maintained in favour of a German enemy by a financial institution in the territory of a Party (“primary country”) covered in whole or in part by an account (“cover account”) with a financial institution in the territory of another Party (“secondary country”) shall be treated as follows:

i) The cover account shall be released and the primary country shall reimburse the secondary country in an amount equal to 50% of the cover account applicable to the primary account. Such reimbursement shall be made in accordance with the terms of Article 14 of this Annex.

ii) Where the secondary country has vested or otherwise taken under custodian control the income from German enemy property situated in the secondary country or the proceeds of the liquidation of German enemy owned securities issued by the secondary country or by a Governmental or private organisation or person within its territory and which securities were held in a custody or depot account, such income or such proceeds may be retained by the secondary country and, sub-paragraph (i) of this Paragraph shall not apply thereto.

B.—For the purpose of this Article accounts shall include named,

numbered or otherwise specially designated accounts and sub-accounts as well as undesignated accounts and sub-accounts.

ARTICLE 6.

Where property covered by this Part is owned partly by a German enemy and partly by a non-enemy, the method of segregating the respective interests and releasing the enemy interest shall be determined by agreement between the interested Parties. The German enemy interests shall then be released to the Party which would have been entitled to the property if it had been wholly German enemy owned.

PART II

Deceaseds' Estates, Trusts and Other Fiduciary Arrangements Under Which a German Enemy Has an Interest

ARTICLE 7.

A.—Except as provided in Paragraph B of this Article, property within the jurisdiction of a Party, forming part of the estate of a non-enemy person who has died domiciled in the territory of another Party, in which estate a German enemy has an interest whether as a beneficiary or creditor, shall be released from control of the custodian authorities of the former Party with a view to facilitating normal administration of the estate in the territory of the latter Party. Property so released shall be subject to the application of the laws of the releasing Party governing administration and distribution of the deceaseds' estates. When under such laws distribution of the deceased's estate is made directly to the persons who have an interest in the estate, the releasing Party shall take appropriate action to assist in making available to the other Party the distributive share of each German enemy.

B.—Notwithstanding the provisions of Paragraph A of this Article, where a non-enemy domiciled in the territory of one Party has died owning immovable property in the territory of another Party and an interest in the property devolves upon or is to be distributed to, a German enemy under the will of the deceased or under the applicable laws of descent, the interest may be retained by the latter Party, subject to the rights of non-enemy creditors of the deceased or of non-enemy heirs to whom, under applicable law, a portion of the immovable property is reserved.

C.—This Article shall not apply to any property in the estate of a deceased if the property was administered and distributed before the Party in whose territory the property was located instituted war-time emergency measures applicable to the administration and distribution of the property of the deceased.

D.—For the purposes of this Article, the domicile of a deceased shall be determined according to the law of the Party within whose jurisdiction the property is located.

ARTICLE 8.

Property within the jurisdiction of a Party which is held under a bona fide trust or other bona fide fiduciary arrangement in which a German enemy has an interest as a beneficiary or otherwise, and which trust or fiduciary arrangement is being administered under the laws of another Party, shall be released from the control of the custodian authorities of the former Party, except that such Party may retain any interest of a German enemy in immovable property located in its territory. Such release shall not be obligatory under this Part of this Annex in cases where the trust or other fiduciary arrangement was established by a person resident in Germany, or a German enemy, or a person who subsequently became a German enemy.

ARTICLE 9.

The Party in favour of which property is released under this Part of this Annex shall recognise the rights of non-enemies in the estate, trust or other fiduciary arrangement.

ARTICLE 10.

The principles of Part I of this Annex shall not be applicable to property released under this Part or distributed to the custodian authorities of a Party from an estate, bona fide trust or other bona fide fiduciary arrangement governed by this Part.

PART III

Property Owned by Enterprises Organised Under the Laws of a Party

ARTICLE 11.

A.—This Part shall apply to property situated within the jurisdiction of a Party and owned by an enterprise organised under the laws of another Party in which enterprise there was a direct or indirect German enemy interest on the material date. The Party within whose jurisdiction the property is situated shall be referred to as the “secondary country” with respect to that property. The enterprise owning the property shall be referred to as the “primary company” with respect to that property. The Party under whose laws the enterprise is organised shall be referred to as the “primary country” with respect to that property. The terms “enterprise” and “company” shall include any firm or body of persons, whether corporate or unincorporate. Property of an enterprise organised in the form of a trust, and property of a banking or financial institution other than the foreign currency cover accounts governed by Article 5 of this Annex, shall be dealt with under this Part. However, this exception with respect to cover accounts shall not be construed to imply that any cover accounts are or are not the property of the institution.

B.—An enterprise shall be deemed to be German controlled if at the material date German enemies held directly or indirectly:

- i) 50 percent or more of the voting rights, outstanding capital stock or other proprietorship interests, or

ii) participating rights in a voting trust arrangement which rights represented 50 percent or more of such voting rights, outstanding capital stock or other proprietorship interests; or if at the material date German enemies directly or indirectly controlled the policy, management, voting power or operations of the enterprise. The property in the secondary country shall be deemed to be German controlled if at the material date German enemies directly or indirectly controlled the policy, management, use, or operation of the property.

ARTICLE 12.

Except as otherwise provided in this Agreement, all property in a secondary country owned by a primary company shall be released by the secondary country and the secondary country shall be entitled to receive reimbursement from the primary country in an amount representing that portion of the value of the property in the secondary country which corresponds to the percentage of direct and indirect German enemy interest in the primary company on the material date. Release in each case shall take place as soon as an agreement has been reached between the countries concerned on whether either the property in the secondary country or the primary company shall be treated as German controlled and on the general limits of, and method of calculating, the percentage of direct and indirect German enemy interest in the primary company on the material date. If the property in the secondary country and the primary company are not German controlled, the property shall be released forthwith without reimbursement.

ARTICLE 13.

A.—Release of property in a secondary country shall be made in kind unless:

i) the property has been liquidated by the secondary country prior to the date on which the Agreement comes into force in respect of that country; or

ii) the primary and secondary countries concerned agree that release in kind would not be practicable or the primary company consents to the sale or liquidation of the property by the secondary country; or

iii) the property in the secondary country is a production enterprise or a substantial interest therein, and such property or the primary company concerned is German controlled and, after full consideration of the economic interest of the primary country, the secondary country determines in exceptional cases that its national security nevertheless requires retention of the property and gives notice to the primary country to that effect.

B.—Where release is not made in kind, the secondary country shall release in substitution the proceeds of the sale or liquidation of the property which would otherwise have been released in kind. If such property has not been sold or liquidated within one year after agreement or consent under sub-paragraph (ii) of Paragraph A of this Article or the giving of notice under sub-paragraph (iii) thereof, or within an agreed extension beyond that period, the value of the property retained as determined by accepted principles of valuation shall be released.

ARTICLE 14.

Reimbursement shall be paid to the secondary country by the primary country in the currency of the secondary country within two years after the date of release of the property. Payment may be delayed, however, in accordance with foreign exchange restrictions applicable generally to payment of capital obligations from time to time in effect in the primary country, provided that such restrictions are maintained in accordance with the Articles of Agreement of the International Monetary Fund and provided further that in any event full payment shall be made within seven years after the date of the release. Interest at the rate of 2 percent per annum shall be paid to the secondary country by the primary country on such balance of reimbursement as remains unpaid at and after the end of the two year period.

ARTICLE 15.

Where administrative difficulty to the secondary country requires it or in other special circumstances the secondary and primary countries concerned may agree that the secondary country shall retain that proportion of the value of the property in the secondary country to which it is entitled under the provisions of Article 12 of this Annex. In such event, the secondary country shall release the excess of the property above the amount to which it is entitled and such excess shall inure to the benefit solely of the non-enemy interests in the primary company.

ARTICLE 16.

Where the primary company is a dummy company or is a holding company whose outstanding stock is closely held or is not regularly traded in a recognised financial market, the secondary country, notwithstanding the provisions of Article 12 of this Annex, may retain that proportion of the property in the secondary country which corresponds to the percentage of direct and indirect German enemy interest in the dummy or holding company on the material date. In such event, the secondary country shall release the excess of the property above the amount to which it is entitled and such excess shall inure to the benefit solely of the non-enemy interests in the primary company.

ARTICLE 17.

It is contemplated that the proportion of the value of the property in the secondary country which corresponds to the percentage of the direct and indirect non-enemy interests in the primary company shall inure to the benefit of such non-enemy interests. In arrangements for release and reimbursement made under this Part between two or more Parties, the Parties shall make reasonable provision to avoid injury to interests in the primary company of non-enemies who are nationals of a third Party.

ARTICLE 18.

In applying the rules of this Part to a case involving a chain of companies, releases of property and reimbursement payments shall be made between secondary countries and their respective primary

companies and countries. On the other hand, in calculating the percentage of direct and indirect German enemy interest in each of the successive primary companies, such interests shall be traced through the entire chain of companies.

ARTICLE 19.

With respect to the types of property covered by Articles 1 to 4 inclusive of this Annex, owned by enterprises governed by Part III of this Annex, that country which would be entitled to obtain release of property under the principles of such Articles shall be regarded as the secondary country for the purposes of Part III; in the case of foreign currency accounts under Article 5 of this Annex, maintained in favour of an enterprise governed by Part III, the country where the primary account is maintained and the country where the cover account is maintained shall each be regarded as the secondary country for the purposes of Part III to the extent of 50 percent of the foreign currency cover account.

ARTICLE 20.

An enterprise organised under the laws of Germany shall be considered as **wholly German enemy** for the purpose of administering this Part, but property which is received in reimbursement or retained by any country under this Part shall be available for the protection of non-enemy interests in such enterprise, in accordance with the provisions of Part IV of this Annex.

PART IV

Property Owned by Enterprises Organized Under the Laws of Germany

ARTICLE 21.

This Part shall apply to property within the jurisdiction of a Party owned by an enterprise organised under the laws of Germany in which enterprise non-enemy nationals of Parties directly or indirectly have, and on September 1, 1939, had an interest. Non-enemy nationals of Parties referred to in this Part must have been nationals of Parties as of September 1, 1939.

ARTICLE 22.

For the protection of the interests in the enterprise of non-enemy nationals, referred to in Article 21 of this Annex, the property to which this Part applies shall, subject to the provisions of Article 23 and 24 of this Annex, be released to the extent of those interests and pursuant to arrangements to be made between the Parties concerned, if non-enemy nationals of Parties directly or indirectly:

- i) own and, on September 1, 1939, owned 25% or more of the shares in the enterprise; or
- ii) control and, on September 1, 1939, controlled the enterprise.

ARTICLE 23.

No Party shall be obliged to release property under this Part, in respect of which no claim, sponsored by another Party, has been received by the former Party, within one year after the coming into force

of the Agreement between the respective Parties. Before sponsoring a claim under this Part, a Party shall be satisfied by a claimant, being one of its nationals, that Article 22 of this Annex applies. Where a claim is filed with the Party in whose jurisdiction the property is located and Article 22 of this Annex applies, such Party shall notify all other Parties and shall consider the claims of all non-enemy nationals of Parties who qualify under Article 21 of this Annex.

ARTICLE 24.

A.—Release of property under this Part shall be made in kind unless:

- i) the property has been liquidated prior to the date on which an eligible sponsored claim is filed with respect to the property pursuant to Article 23 of this Annex, or
- ii) the Parties concerned agree that release in kind would not be practicable; or
- iii) the property to be released is a production enterprise or a substantial interest therein, and such property or the enterprise organised under the laws of Germany is German controlled and, after full consideration of the economic interests of the other Party or Parties concerned, the Party in whose jurisdiction the property is located determines in exceptional cases that its national security nevertheless requires retention of the property and gives notice to the other Party or Parties to that effect.

B.—Where release is not made in kind, there shall be released in substitution the proceeds of the sale or liquidation of the property which would otherwise have been released in kind. If such property has not been sold or liquidated within one year after agreement under sub-paragraph (ii) of Paragraph A of this Article or the giving of notice under sub-paragraph (iii) thereof, or within an agreed extension beyond that period, the value of the property retained as determined by accepted principles of valuation shall be released.

ARTICLE 25.

With respect to the types of property covered by Articles 1 to 4 inclusive of this Annex, owned by enterprises governed by Part IV of this Annex, property shall be regarded as being within the jurisdiction of the Party which would be entitled to obtain the release of such property under the principles of such Articles; in the case of foreign currency accounts under Article 5 of this Annex, maintained in favour of an enterprise governed by Part IV, the country where the primary account is maintained and the country where the cover account is maintained shall each be regarded as having jurisdiction over the property to the extent of 50% of the foreign currency cover account.

PART V

Interpretation and Application

ARTICLE 26.

A.—A Party shall not be obliged to release an enemy interest in property to another Party or to an enterprise organised under the laws of that other Party except to the extent that such interest will

be treated directly or indirectly by the recipient Party as German enemy.

B.—A Party obliged under the Agreement to release property shall not be required to reverse any act of liquidation which has been carried out by sale, redemption or otherwise. The vesting, sequestration or confiscation of property shall not be regarded as constituting liquidation for the purposes of the Agreement.

C.—Except as otherwise expressly provided in the Agreement, a Party obliged to release property shall, if the property has been liquidated, release the proceeds of such liquidation.

D.—Except as otherwise expressly provided in the Agreement, a Party obliged to release property shall release all income or other benefits (in cash or otherwise) which have been received by it or by any person in its territory acting under its authority in respect of that property.

E.—The Party to which property is released under the Agreement shall fully recognise bona fide liens or pledges thereon legally obtained within the territory of the releasing Party which became effective prior to the date when the recipient Party took war-time emergency measures to prevent the acquisition of liens or pledges with respect to such property or the date when the territory of the recipient Party was invaded by Germany and were valid under the laws of the recipient Party in effect prior to such date. A releasing Party shall not be obliged hereby to take any measures to set aside any bona fide lien or pledge valid under its laws which arose or was created either (a) prior to the date on which the releasing Party took war-time emergency measures to prevent the acquisition of such liens or pledges with respect to the property involved, or (b) after such date under license or other authorisation by such Party.

F.—Administrative charges and expenses of conservation and liquidation shall be borne by the recipient Party unless that Party requests the releasing Party to bear a portion thereof. In such event the obligation of the releasing Party shall be limited to the amount of the income or other benefits (if any) which the recipient Party establishes were received and were retained under the Agreement by the releasing Party or by any person in its territory acting under its authority with respect to the specific property released.

G.—Where property is subject to release under the Agreement the method of delivery and the payment of any delivery costs shall be arranged between the Parties concerned.

H.—(i) A Party shall not be required under the Agreement to make a release of property so long as there is pending any judicial or administrative proceeding in the territory of:

a) the releasing Party, if the proceeding requires retention of the property by that Party or may result in a determination that the property is not directly or indirectly German enemy owned or controlled;

b) the recipient Party, if the proceeding may result in a determination that the property is not directly or indirectly German enemy owned or controlled and may thus prevent that Party from treating the released property as German enemy.

ii) If, after property is released under the Agreement:

a) the recipient Party is obliged as a result of litigation in its territory to surrender custodian control of the property, the re-

leasing Party may reassert its custodian control over the property in order to make an independent test of the litigated issue;

b) the releasing Party is obliged as a result of litigation in its territory to make a disposition of the property which release has prevented it from making, that Party may reassert custodian control over the property in order to comply with the obligation imposed by the litigation.

If reassertion of custodian control by the releasing Party is required under this sub-paragraph, the recipient Party shall take appropriate action to facilitate such reassertion.

iii) At the request of the releasing Party, appropriate arrangements shall be made by the recipient Party prior to the release of any property:

a) assuring the releasing Party that it will be able to regain custodian control over the property or of the proceeds of sale or liquidation or of the value thereof, if required under the terms of sub-paragraph (*ii*) above;

b) for indemnification of charges or expenses which may be incurred by the releasing Party with respect to the released property after the date of release.

I.—The release of property under the provisions of the Agreement shall not terminate or otherwise affect the dedication of patents to the public, the placing of patents in the public domain or the grant of licenses to patents with or without royalty, pursuant to the provisions of Articles 1 or 2 of the German Patent Accord signed in London on July 27, 1946, or other agreement, when such action is taken prior to the release of the property.

J. — A Party shall be entitled at its discretion to refuse to accept a release under the provisions of the Agreement and in such event shall not be liable for payment of the charges and expenses referred to in Paragraphs F and G and sub-paragraph (*iii*) of Paragraph H of this Article.

ARTICLE 27.

A. — Nothing in the Agreement shall oblige any Party to recognise:

i) any transfer of, or other transaction relating to, a German enemy interest, occurring after the institution of war-time emergency measures by that Party or after the invasion of the territory of that Party by Germany;

ii) any transfer of non-enemy property in Germany to German enemies, or any assumption by German enemies from non-enemies, of control over property in Germany, which was forced without adequate consideration by action of the Government of Germany whether before or after September 1, 1939. This sub-paragraph shall apply only to property of, or controlled by, non-enemies who were nationals of Parties at the time of the transfer of the property or the assumption of control over the property.

B. — In determining whether any property is owned or controlled by a German enemy no transfer to a German enemy or dealings with a German enemy shall be taken into account which represent looting or forced transfers within the meaning of the Inter-Allied Declaration of January 5, 1943, against Acts of Dispossession.

ARTICLE 28.

Property which is held for the benefit of a German enemy by any individual or body of persons, corporate or unincorporate, as a cloak, nominee, agent, trustee or in any other capacity, shall be regarded as directly owned by that German enemy. The question of recognising any interest which the holder of such property may claim therein shall not be prejudiced by the foregoing but shall be resolved in each case by negotiation between the Parties concerned.

ARTICLE 29.

The assertion of custodian control over a German enemy interest in property within the territory of one Party shall not be deemed to have destroyed the German enemy interest in property within the territory of another Party.

ARTICLE 30.

A branch or other similar office within the territory of a Party of an enterprise organised under the laws of another country shall be regarded as a separate entity located within the territory of the Party. A partnership having its principal office in the territory of any Party shall be regarded as an enterprise located in that territory regardless of the residence or domicile of the partners.

ARTICLE 31.

Where under the Agreement special problems arise respecting a complex organisation having subsidiary or affiliated organisations with properties within the territories of several of the Parties, a committee composed of representatives of each of the interested Parties may be constituted to consider the problems and make recommendations for their solution.

ARTICLE 32.

Parties shall exchange information and otherwise co-operate for the purpose of giving effect to the Agreement; provided that information given pursuant hereto shall be regarded as confidential by the Party receiving it which undertakes to use it exclusively for the purpose of implementing the Agreement and the Paris Agreement on Reparation of January 24, 1946.

ARTICLE 33.

Nothing in the Agreement shall be construed to confer any right on an individual or body of persons, corporate or unincorporate, to prosecute a claim in any court or administrative tribunal against his or their Government or against any other Party.

ARTICLE 34.

In this Annex:

- i) the term "property" shall include all rights, titles and interests in property;
- ii) the expression "war-time emergency measures" means the measures for the control of German enemy owned property, or

of transactions by or on behalf of German enemies taken by a Party on or after September 1, 1939, whether or not taken prior to that Government's actual participation in the War;

iii) the expression "the material date" means the day on which the secondary country as defined in Part III of this Annex came into war or took war-time emergency measures, whichever is earlier.

PART VI

Conciliation

ARTICLE 35.

In order to give effect to the provisions of Article 4 of the Agreement, to which this is the Annex, a Panel of Conciliators consisting of seven members shall be established in the following manner:

i) Each Party which has signed the Agreement before the expiry of six months after its coming into force may, by written notice to the Secretary General of the Inter-Allied Reparation Agency, nominate not more than three candidates for election to the Panel, and the Secretary General shall not accept any nomination after the expiry of that period.

ii) The Secretary General shall, by secret ballot, conduct an election of the Panel of Conciliators and only those Parties which have signed the Agreement before the expiry of six months after its coming into force shall be entitled to vote.

iii) Each Party shall be entitled to cast one vote in respect of each vacancy on the Panel. A Party shall not cast more than one vote for any one candidate.

iv) The seven candidates receiving the highest number of votes shall be elected to the Panel; provided that no candidate shall be elected who has not received the vote of at least two-thirds of the Parties voting, and provided that not more than two nationals of the same country shall be elected.

v) From the seven members of the Panel so elected, the Parties entitled to vote, exercising one vote each, shall elect by secret ballot a President of the Panel by a majority of at least two-thirds of the votes cast.

vi) In case of the death or retirement of the President or any other member of the Panel, the vacancy shall be filled by vote of the then Parties. Each Party may nominate one candidate, and election shall be by a majority of at least two-thirds of the votes cast.

ARTICLE 36.

Immediately upon its election the Panel shall formulate, for its internal organisation and its work, such basic rules as it deems necessary. A fee therefor shall be paid to the members of the Panel by the Parties specified in sub-paragraph (ii) of Article 35 at a rate fixed by the Secretary General of the Inter-Allied Reparation Agency.

ARTICLE 37.

A. — If a dispute is not resolved within a reasonable time by negotiation as provided in Article 4 of the Agreement to which this is the Annex, a Party may request the President of the Panel of Conciliators referred to in Article 35 of this Annex to appoint from the Panel an impartial Conciliator who shall hear the Parties and may call for additional evidence. The Conciliator shall formulate a solution which is in his opinion the best possible solution in the spirit of the Agreement, and the solution so formulated shall be binding upon the Parties concerned and final.

B. — The President shall, upon application of any of the parties in dispute, determine whether a reasonable time has elapsed before submission of the case to conciliation under Paragraph A of this Article; provided that a period of less than one year from the commencement of negotiations between the Parties in dispute shall not be considered a reasonable time for the purposes of this Paragraph.

ARTICLE 38.

The question whether in the opinion of the secondary country, its national security requires the retention of property under subparagraph (iii) of Paragraph A of Article 13 of this Annex and subparagraph (iii) of Paragraph A of Article 24 of this Annex shall not be subject to the procedure of conciliation.

ARTICLE 39.

The Conciliator shall not be entitled to grant any modification of the obligation to make full payment in the currency of the secondary country within seven years after the date of the release as required by Article 14 of this Annex.

ARTICLE 40.

Each Party in dispute shall pay to the Conciliator such fees and expenses as he may determine. Any such Party may request the President of the Panel to review the fees and expenses fixed by the Conciliator, or their allocation between the Parties. The decision of the President on the matter shall be final.

Extract from
THE POTSDAM PROTOCOL, AUGUST 1, 1945

[Department of State Publication 4245; General Foreign Policy Series 53]

The Berlin Conference of the Three Heads of Government of the U. S. S. R., U. S. A., and U. K., which took place from July 17 to August 2, 1945, came to the following conclusions:

* * * * *

III. REPARATIONS FROM GERMANY

1. Reparation claims of the U. S. S. R. shall be met by removals from the zone of Germany occupied by the U. S. S. R., and from appropriate German external assets.

2. The U. S. S. R. undertakes to settle the reparation claims of Poland from its own share of reparations.

3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the Western Zones and from appropriate German external assets.

4. In addition to the reparations to be taken by the U. S. S. R. from its own zone of occupation, the U. S. S. R. shall receive additionally from the Western Zones:

(a) 15 percent of such usable and complete industrial capital equipment, in the first place from the metallurgical, chemical and machine manufacturing industries as is unnecessary for the German peace economy and should be removed from the Western Zones of Germany, in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon.

(b) 10 percent of such industrial capital equipment as is unnecessary for the German peace economy and should be removed from the Western Zones, to be transferred to the Soviet Government on reparations account without payment or exchange of any kind in return.

Removals of equipment as provided in (a) and (b) above shall be made simultaneously.

5. The amount of equipment to be removed from the Western Zones on account of reparations must be determined within six months from now at the latest.

6. Removals of industrial capital equipment shall begin as soon as possible and shall be completed within two years from the determination specified in paragraph 5. The delivery of products covered by 4 (a) above shall begin as soon as possible and shall be made by the U. S. S. R. in agreed installments within five years of the date hereof. The determination of the amount and character of the industrial capital equipment unnecessary for the German peace economy and therefore available for reparation shall be made by the Control Council under policies fixed by the Allied Commission on Reparations, with the participation of France, subject to the final approval of the Zone Commander in the Zone from which the equipment is to be removed.

7. Prior to the fixing of the total amount of equipment subject to removal, advance deliveries shall be made in respect to such equipment as will be determined to be eligible for delivery in accordance with the procedure set forth in the last sentence of paragraph 6.

8. The Soviet Government renounces all claims in respect of reparations to shares of German enterprises which are located in the Western Zones of Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below.

9. The Governments of the U. K. and U. S. A. renounce all claims in respect of reparations to shares of German enterprises which are located in the Eastern Zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania, and Eastern Austria.

10. The Soviet Government makes no claims to gold captured by the Allied troops in Germany.

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**Extract from the
ALLIED-SWISS ACCORD OF MAY 25, 1946**

I

1. The Swiss Compensation Office shall pursue and complete its investigations of property of every description in Switzerland owned or controlled by Germans in Germany and it shall liquidate such property. This provision shall apply equally to the property of such other persons of German nationality as are to be repatriated.

2. The Germans affected by this measure shall be indemnified in German money for the property which has been liquidated in Switzerland pursuant to this Accord. In each such case an identical rate of exchange shall be applied.

3. Switzerland will, out of funds available to it in Germany, furnish one-half of the German money necessary for this purpose.

4. The Swiss Compensation Office shall exercise the functions entrusted to it in close cooperation with a Joint Commission which shall be composed of a representative of each of the three Allied Governments, and a representative of the Swiss Government. The Joint Commission, as all interested private persons, shall have a right of appeal against the decision of the Swiss Compensation Office.

5. The Swiss Government will bear the cost of the administration and liquidation of German property.

II

1. Of the proceeds of the liquidation of property in Switzerland of Germans in Germany, 50 percent shall accrue to the Swiss Government and 50 percent shall be placed at the disposal of the Allies for the rehabilitation of countries devastated or depleted by the war, including the sending of supplies to famine stricken people.

* * * * *

III

The procedures relating to the application of the present Accord are set out in the Annex.

IV

1. The Government of the United States will unblock Swiss assets in the United States. The necessary procedure will be determined without delay.

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VI

In case differences of opinion arise with regard to the application or interpretation of this Accord which cannot be settled in any other way, recourse shall be had to arbitration.

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