

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES**

U.S. DEPARTMENT OF JUSTICE

2023 ANNUAL REPORT

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

441 G Street, N.W., Room 6330
Washington, D.C. 20579
Telephone (202) 616-6975
FAX (202) 616-6993

Sylvia M. Becker, Commissioner
Patrick Hovakimian, Commissioner

- - -

Brian M. Simkin, Chief Counsel

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U.S. Department of Justice
Foreign Claims Settlement Commission
of the United States

Washington, D.C. 20579

LETTER OF TRANSMITTAL

To the President of the Senate
and the Speaker of the House of Representatives
of the 118th Congress

Pursuant to the War Claims Act of 1948, as amended, and the International Claims Settlement Act of 1949, as amended, the Foreign Claims Settlement Commission of the United States submits for your review its Annual Report for Calendar Year 2023. The Commission is an independent agency organized for administrative purposes within the U.S. Department of Justice.

We appreciate the continued support of the Congress for the Commission's international claims programs.

Brian M. Simkin
Chief Counsel

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SECTION I: THE COMMISSION

A. Introduction

The Foreign Claims Settlement Commission of the United States is an independent, quasi-judicial federal agency. The Commission's primary mission is to receive, examine, adjudicate, and render final decisions with respect to claims of U.S. nationals against foreign governments.

The Commission was established on July 1, 1954, under Reorganization Plan No. 1 of 1954, which abolished the War Claims Commission and the International Claims Commission and transferred their functions to the present Commission. In 1980, the Commission was transferred by Public Law No. 96-209 to the Department of Justice for administrative purposes as a separate agency within the Department. By statute, decisions of the Commission with respect to claims are final and conclusive on all questions of law and fact and are not subject to review by any official of the United States or by any court.

1. Work of the Commission

The Commission's authority to administer claims programs arises from three sources. First, Congress may authorize the Commission to adjudicate claims through legislation. Second, pursuant to 22 U.S.C. § 1623(a)(1)(B), the Commission may administer a program for claims arising out of the nationalization or other taking of property that are included within the terms of a claims agreement between the United States and a foreign government. Finally, the Commission can administer a program, pursuant to 22 U.S.C. § 1623(a)(1)(C), for any claims included in a category of claims against a foreign government that is referred to the Commission by the Secretary of State. In addition, 22 U.S.C. § 2370 authorizes the Commission, upon the request of the President, to evaluate expropriated property, determining the full value of any property nationalized, expropriated, seized, or subjected to discriminatory actions, and to render an advisory report to the President within 90 days of such a request.

Programs administered by the Commission have included claims for losses suffered either as a result of military operations during World War II, including damage to and loss of property therefrom, or as a result of the

nationalization or other taking of property by foreign governments. These have included claims against the governments of (in alphabetical order): Albania, Bulgaria, China, Cuba, Czechoslovakia, Egypt, Ethiopia, German Democratic Republic (East Germany), Hungary, Iran, Panama, Poland, Romania, the Soviet Union, Vietnam, and Yugoslavia. The Commission has also adjudicated claims of U.S. military personnel and civilians captured or interned during World War II and the Korean and Vietnam conflicts. In addition, between 1996 and 1998 the Commission adjudicated claims of U.S. nationals persecuted by Nazi Germany during World War II. In 2023, the Commission adjudicated claims against Albania arising from the expropriation of the property of U.S. nationals after World War II. The jurisdiction of the Commission and its two predecessor commissions has encompassed the administration of 51 claims programs in which more than 740,000 claims were filed and nearly \$4 billion in awards were granted.

In some instances, Congress authorizes the adjudication of claims before there are funds available to pay awards. In such cases, the Commission adjudicates the claims and certifies its decisions to the Secretary of State as a “pre-settlement adjudication” of the claims. The Department of State can then use these decisions as a basis for negotiating a claims settlement agreement at some future date. The Commission has concluded pre-settlement adjudication programs with respect to losses asserted against Cuba, China, the German Democratic Republic, and Vietnam.

The Commission also provides, upon request, technical assistance to the Department of State in conducting government-to-government claims settlement negotiations. In addition, the Commission furnishes information contained in its records pertaining to the international and war-related claims programs it has conducted in the past, as requested by claimants, their heirs, Congress, attorneys, researchers, other members of the public, and the Departments of Treasury, State, Interior, and Defense. Upon request, it also provides advice that includes preliminary planning and evaluation of proposed claims legislation, and acts as a liaison with other federal agencies concerning claims-related issues.

2. Composition

The Commission is composed of a Chairman, who serves on a full-time basis, and two Commissioners, who serve on a part-time basis. The

Chairman and other Commissioners are appointed for fixed terms, normally three years, by the President with the advice and consent of the U.S. Senate. Currently, the Commission consists of two Commissioners. Sylvia M. Becker, who was sworn in on September 26, 2013, continued in office through 2023. Patrick Hovakimian has served as Commissioner since he was sworn in on June 4, 2018.

The Chairman and Commissioners are responsible for adjudicating claims and issuing decisions. The Chairman is vested with sole administrative authority for the Commission, while the Department of Justice is responsible for providing administrative support services to the agency. The Commission employs a small staff of legal and administrative personnel.

3. Source of Funds and Payment of Claims

The Chairman prepares the Commission's budget requests within the procedures established by the Department of Justice: the Attorney General submits the requests to the Director of the Office of Management and Budget as proposed by the Chairman.

Amounts paid by foreign governments to the United States for the purpose of settling claims are required to be covered into special funds in the Treasury of the United States, out of which the Secretary of the Treasury is authorized and directed to make payment of claims certified by the Commission. The Department of the Treasury is further required to deduct five percent from any amount covered into each special fund for deposit as miscellaneous receipts in the United States Treasury to reimburse the United States for expenses incurred in the settlement of claims. While these funds do not directly support the Commission's operations, the Department of the Treasury has recovered millions of dollars through deductions from the various settlement funds that the United States has obtained from foreign governments since the Commission was established.

B. Procedure and Administration of Claims Programs

By statute (22 U.S.C. §§ 1622g and 1623(h), and 50 U.S.C. App. § 2010), the decisions of the Commission are final and conclusive on all questions of fact and law and are not subject to review by any other official, department, or agency of the United States, or by any court by mandamus

or otherwise. This prohibition against judicial or other review makes it imperative that the Commission adhere to appropriate administrative and legal procedures to ensure claimants have a full and fair opportunity to present their claims.

When a claims program is commenced, appropriate claim forms and detailed instructions, including the deadline for filing claims, are forwarded to anyone who requests them or has, at any time, indicated to the Commission an interest in filing a claim in that program. In addition, the Commission makes the claim forms and instructions available to potential claimants on its website (www.justice.gov/fcsc). The Commission also publicizes the program through notices in the *Federal Register* and press releases to the news media, and by notifying relevant organizations and congressional offices.

Once the Commission has received a completed claim form with related exhibits, documents, or other evidence, the Commission's staff undertakes a careful examination and, if necessary, seeks additional information or evidence from the claimant or other sources to enable the claimant to establish the requisite elements of a claim (i.e., U.S. nationality, ownership, value, and the date and circumstances of the asserted loss). Although the claimant has the burden of proof, the adjudication of a claim is non-adversarial, and the Commission's staff endeavors to assist each claimant in establishing a compensable claim while at the same time discharging its obligation to protect the public interest opposed to the allowance of any unjust or unfounded claims. After a claim is fully developed, it is presented to the Commission for adjudication.

Following a full review of the claim and all supporting material, the Commission issues a written "Proposed Decision." This Proposed Decision is forwarded to the claimant or claimant's counsel who is advised of the right to file an objection in writing within a specified period of time if the claimant is dissatisfied and believes there are grounds for a more favorable decision. The claimant may submit, in writing, any additional evidence and argument in support of the objection and may also request an oral hearing before the Commission to present evidence and argument. Thereafter, the Commission reconsiders the entire record and renders its determination by issuing a "Final Decision."

If no timely objection is received on a claim, the Proposed Decision is automatically entered as the Commission's Final Decision. However, even after the issuance of a Final Decision, the regulations of the Commission permit the filing of a petition to reopen a claim for further consideration based upon newly discovered evidence. Additionally, if information comes to the attention of the Commission from sources other than the claimant, the Commission may reopen, on its own motion, a claim that has already become final.

In most claims programs, a time limit is set by statute within which the Commission must complete the adjudication of the claims. After the specified date, the Commission no longer has authority to accept additional claims for adjudication or to reconsider any claim which was determined in that particular program.

To fully apprise claimants of the basis of the Commission's determinations, the decisions of the Commission set forth the reasons for the action taken and include specific findings of fact and conclusions of law regarding each aspect of the claim. In most programs, the amount of funds available to pay the Commission's awards is limited, often resulting in *pro rata* payment of awards by the Department of the Treasury. The Commission therefore must ensure that the award entered in each claim is fully supported and based upon the same criteria as all other awards.

The Commission's responsibility is discharged upon entry of the Final Decision and certification of the claimant's award to the Secretary of the Treasury, who has sole jurisdiction, under specific statutory authority, to make payments out of the funds established for that purpose.

SECTION II: CURRENT YEAR'S ACTIVITIES

A. Claims Against Albania

In 2023, the Commission continued to administer the Albanian Claims Program that began in 1995 following the conclusion of an agreement between the United States and Albania concerning claims arising from the expropriation of the property of U.S. nationals after World War II. The agreement, which was approved by the Albanian Parliament and entered into force on April 18, 1995, provided for the settlement of U.S. nationals' property claims against Albania in exchange for a lump-sum

payment of \$2 million by Albania to the United States. *Agreement on the Settlement of Certain Outstanding Claims*, U.S.-Alb., Mar. 10, 1995, T.I.A.S. No. 12,611.

As noted in prior Annual Reports, an April 2006 amendment to the 1995 settlement agreement eliminated the residency requirement which had previously left the Commission with no choice but to deny the claims of numerous American claimants that otherwise were compensable. As a result, the Commission is able to reopen those claims on its own motion for further adjudication.

As of December 31, 2023, the Commission has issued 335 Final Decisions, with awards totaling \$1,416,312. Despite various efforts to generate public awareness about the claims program, there still remains in the Albanian Claims Settlement Fund a substantial balance, which is available to any additional eligible claimants who file claims.

B. Helms-Burton Act/Claims Against Cuba

The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (also known as the Helms-Burton Act) includes as Title III a provision authorizing U.S. nationals whose property in Cuba was confiscated by the Castro regime to bring federal court actions against foreign entities “trafficking” in those properties. The legislation contemplates that, with limited exceptions, the courts hearing these cases will adopt the valuations determined in awards issued by the Commission in its Cuban Claims Programs, conducted from 1965 to 1972 (the first Cuban Claims Program; *see* Section IV, subsection A.8, below) and from 2005 to 2006 (the second Cuban Claims Program; *see* Section IV, subsection A.19, below). In cases where a plaintiff was not eligible to file a claim in the Commission’s Cuban Claims Program (i.e., was not a U.S. national at the time of confiscation), the legislation authorized the United States District Courts, beginning in March 1998, to appoint the Commission as Special Master to make determinations on issues such as ownership and valuation of property for use in court actions.

The Act also grants the President of the United States the authority to suspend the provisions of Title III for periods of six months if necessary to the national interests of the United States. In 2013, President Obama delegated this authority to the Secretary of State. Between 2013 and January

2019, successive Secretaries suspended the right to bring an action under Title III of the Act. Beginning on March 19, 2019, the Secretary of State invoked this authority to permit certain actions against certain Cuban entities and sub entities before announcing that Title III would no longer be suspended as of May 2, 2019. In 2023, no suspension on actions under Title III was in effect.

It is not yet clear what effect this policy change will have on the Commission or the status of the claims previously adjudicated by the Commission. Following the Secretary of State's Title III determinations in 2019, several civil actions were filed in Federal district court alleging "trafficking" in properties confiscated by the Castro regime. The Commission, however, was not appointed to serve as Special Master in any Title III action during 2023.

C. Prisoner-Of-War and Civilian Internee Claims

During 2023, the Commission continued to have jurisdiction under Pub. L. No. 91-289 (50 U.S.C. App. §§ 2004 and 2005) to receive and adjudicate claims by U.S. Armed Forces personnel and civilians, or their survivors, for compensation based on inadequate food rations and inhumane treatment received while held as prisoners of war or internees during the Vietnam conflict. However, no new claims were received during the year. The Commission also continued to serve as a repository of records on U.S. military veterans and civilians captured or interned during World War II, the Korean conflict, the U.S.S. Pueblo incident, and the Vietnam conflict.

SECTION III: POSSIBLE FUTURE PROGRAMS

A. Advisory Program

Under the Foreign Assistance Act of 1961, (as amended by Pub. L. No. 88-205, 77 Stat. 379, 386 (1973) (22 U.S.C. § 2370)) ("Hickenlooper Amendment"), the President is authorized to suspend assistance to the government of any country which, on or after January 1, 1962, has nationalized or expropriated the property of U.S. nationals, taken steps to repudiate or annul contracts with U.S. nationals, or imposed discriminatory taxation or restrictive conditions having the effect of seizing ownership or

control of property of U.S. nationals, and has failed to take appropriate steps to discharge its obligations under international law.

The Hickenlooper Amendment extends the jurisdiction of the Commission from the determination and adjudication of claims to advising the President on foreign expropriations and other seizures of American-owned property. Under the amendment, the Commission is authorized, upon the request of the President, to evaluate expropriated property, determining the full value of any property nationalized, expropriated, seized, or subjected to discriminatory actions, and to render an advisory report to the President within 90 days after such request. Unless authorized by the President, the Commission may not publish its advisory report except to the citizen or entity owning the property at issue.

SECTION IV: SUMMARY OF PAST PROGRAMS

A. Claims Under the International Claims Settlement Act of 1949

The jurisdiction of the Commission and its predecessor, the International Claims Commission, has encompassed the administration of 24 claims programs under the authority of the seven titles of the International Claims Settlement Act of 1949, as amended (“ICSA”). Pub. L. No. 81-455, 64 Stat. 12 (1950) (22 U.S.C. § 1621 *et seq.*) These programs have primarily involved claims of U.S. nationals for losses in specific foreign countries as a result of the nationalization or other taking of property during specific periods of time by the governments of those countries. These 24 claims programs are briefly summarized below. Statistics and other relevant information on the programs appear in Sections V and VI of this report.

1. Yugoslavia - First Program

The provisions of Title I of the ICSA (22 U.S.C. § 1623(a)(1)(A)) authorized the International Claims Commission, predecessor to the Foreign Claims Settlement Commission, to administer a program to determine the validity and amount of claims of U.S. nationals for the nationalization or other taking of property included within the terms of the U.S. - Yugoslavia Claims Settlement Agreement of July 19, 1948, 62 Stat. 2658. That agreement resulted in a fund of \$17 million from which

payments were made on the awards granted in the claims. The first Yugoslav Claims Program was completed on December 31, 1954.

2. Panama

Under section 4(a) of Title I of the ICSA (22 U.S.C. §1623 (a)(1)(B)), the International Claims Commission was authorized to adjudicate claims of U.S. nationals for the nationalization or other taking of property included within the terms of any claims settlement agreement thereafter concluded between the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II). Pursuant to this authorization, the International Claims Commission administered a program to determine U.S. nationals' property claims against the Government of Panama following the conclusion of a claims settlement agreement between the Governments of the United States and Panama on October 11, 1950. This agreement resulted in a fund of \$400,000 for payments on the awards granted in the claims. The Panamanian Claims Program was completed on December 31, 1954.

3. Bulgaria, Hungary, and Romania - First Programs

Title II of the ICSA (22 U.S.C. § 1631a) provided for the vesting and liquidation of enemy assets which had been blocked by the United States during World War II, and Title III (22 U.S.C. § 1641a) provided for the deposit of the proceeds into separate special funds, according to the respective enemy government ownership of those assets prior to blocking. Pub. L. No. 84-285, §§ 202, 302, 69 Stat. 562, 571 (1955) (22 U.S.C. §§ 1631a, 1641a). The proceeds were deposited into funds by the Department of the Treasury, which were designated the Bulgarian Claims Fund, the Hungarian Claims Fund, and the Romanian Claims Fund, for payments on awards granted by the Commission in claims against those governments under Title III of the ICSA.

Pursuant to 22 U.S.C. § 1641b, the Commission considered claims of U.S. nationals for losses arising out of war damages, nationalization, compulsory liquidation, or other taking of property prior to August 9, 1955, by the Governments of Bulgaria, Hungary, and Romania. Pub. L. No. 84-285, § 303, 69 Stat. 562, 571 (1955) (22 U.S.C. § 1641b). The Commission was also authorized to consider claims of U.S. nationals for losses based on

the failure of those governments to meet certain debt obligations expressed in the currency of the United States. Payments on the awards granted in these claims were made from the appropriate claims funds created under the ICSA. The amounts available from these funds for payments were: Bulgarian Claims Fund, \$2,676,234.49; Hungarian Claims Fund, \$2,235,750.65; and Romanian Claims Fund, \$20,164,212.68. The Bulgarian, Hungarian, and Romanian Claims Programs were completed on August 9, 1959.

4. Italy - First Program

Title III of the ICSA (22 U.S.C. § 1641c) also authorized the Commission to consider claims of U.S. nationals against Italy for losses resulting from war damages during World War II sustained in areas outside of Italy and outside of the territories ceded by Italy under the Treaty of Peace concluded on September 15, 1947. (Claims for losses arising from war damages sustained within Italy and within the territories ceded by Italy were compensated by Italy under the Treaty of Peace.) Under a subsequent amendment to § 1641c, the Commission was further authorized to reconsider claims filed by persons who were U.S. nationals on the date of authorization of the claims program, even though they had not been U.S. nationals on the date of the losses upon which their claims were based. In addition, the Commission was authorized to reconsider claims wherein the claimant had a direct ownership interest in a corporation regardless of the per centum of ownership vested in the individual. Pub. L. No. 85-604, 72 Stat. 527, 531 (1958) (22 U.S.C. § 1641c). Awards granted by the Commission were paid out of the Italian Claims Fund. That fund was established with the sum of \$5 million paid to the United States by the Government of Italy, pursuant to a Memorandum of Understanding concluded by the two governments which became effective on August 14, 1947. *Memorandum of Understanding Regarding Settlement of Certain Wartime Claims and Related Matters*, U.S. - Italy, Aug. 14, 1947, 61 Stat. 3962. The Italian Claims Program was completed on August 9, 1959, as required by the statute. Reconsideration of the Italian claims was completed on May 31, 1960.

5. Soviet Union

Between 1956 and 1959, the Commission also administered a Soviet Claims Program pursuant to separate provisions of Title III of the

ICSA (22 U.S.C. § 1641d). Those provisions authorized the Commission to consider claims of U.S. nationals arising prior to November 16, 1933, against the Soviet Government, and claims of U.S. nationals based on liens held on property in the United States assigned to the United States Government by the Government of the Union of Soviet Socialist Republics under the Litvinov Assignment of November 16, 1933. This program was completed on August 9, 1959.

Partial payments on awards in these claims were made out of the proceeds derived from liquidation of the assets acquired by the United States under the Litvinov Assignment. The funds so derived totaled \$8,658,722.43. The balance of the awards, however, remains unpaid and outstanding, pending conclusion of a final claims settlement agreement between the United States and what are now the republics of the former Soviet Union.

6. Czechoslovakia - First Program

Upon enactment of Title IV of the ICSA (22 U.S.C. § 1642 *et seq.*), the Commission commenced a program to determine the validity and amount of claims of U.S. nationals against the Government of Czechoslovakia based upon losses resulting from the nationalization or other taking of property by that government. Pub. L. No. 85-604, 72 Stat. 527 (1958). The funds for payment of awards granted by the Commission in these claims were derived from the sale in 1954 of certain Czechoslovakian assets in the United States. The net proceeds for the funds amounted to \$8,540,768.41. On September 15, 1962, as required by statute, the program was completed. Subsequently, additional funds in the amount of \$74,550,000 were obtained through the conclusion of a claims settlement agreement with Czechoslovakia in 1982. (For information concerning the Commission's second Czechoslovakian Claims Program, see subsection C.3, below.)

7. Poland

On July 16, 1960, the Governments of the United States and Poland entered into a claims settlement agreement under which the Government of Poland agreed to pay the sum of \$40 million to the United States over a period of 20 years in full settlement and discharge of claims of U.S. nationals arising between May 8, 1945, and the date the agreement was

concluded. *Agreement Regarding Claims of Nationals of the United States*, U.S.-Pol., July 16, 1960, 11 U.S.T. 1953. The Commission was authorized to adjudicate the claims covered by this agreement under 22 U.S.C. § 1623(a)(1)(B). The Polish Claims Program was completed on March 31, 1966.

8. Cuba - First Program

Title V of the ICSA (22 U.S.C. § 1643 *et seq.*), enacted on October 16, 1964, authorized the Commission to determine the amount and validity of claims of U.S. nationals against the Government of Cuba, based upon: (1) losses resulting from the nationalization, expropriation, intervention, or other taking of, or special measures directed against, property by that government; and (2) the disability or death of U.S. nationals resulting from actions taken by or under the authority of that government. Pub. L. No. 88-666, 73 Stat. 1110 (1964). The program covered claims for losses which occurred between January 1, 1959, and October 16, 1964, the program's authorization date.

When the program was authorized, there were no funds available with which to make payment on the claims, and the statute precluded Congress' appropriation of funds for such payments. The statute provided only for the determination of the validity and amounts of such claims, and for the certification of the Commission's findings to the Secretary of State for use in the future negotiation of a claims settlement agreement with the Government of Cuba. The Cuban Claims Program was completed on July 6, 1972. The Commission adjudicated a total of 8,816 claims in the program, of which it found 5,911 to be compensable. The adjudicated total principal value of those claims was \$1,851,057,358.00.

9. Yugoslavia - Second Program

A second claims agreement was concluded between the Governments of the United States and Yugoslavia on November 5, 1964, covering claims against the Government of Yugoslavia which arose subsequent to the 1948 agreement (*see* subsection A.1, above) and providing a fund of \$3.5 million for payments on awards. *Agreement Regarding Claims of United States Nationals*, U.S.-Yugo., Nov. 5, 1964, 16 U.S.T. 1. The second Yugoslav Claims Program was administered by

the Commission under authority of section 4(a) of Title I of the ICSA (22 U.S.C. § 1623(a)(1)(B)). The program was completed on July 15, 1969.

10. China - First Program

The first China Claims Program was administered pursuant to an amendment to Title V of the ICSA. Pub. L. No. 89-780, 80 Stat. 1365 (1966) (22 U.S.C. § 1643 *et seq.*). That amendment authorized the Commission to determine claims of U.S. nationals against the Government of the People's Republic of China (PRC) based on (1) losses resulting from the nationalization, expropriation, intervention, or other taking of, or special measures directed against, property by that government; and (2) the disability or death of U.S. nationals resulting from actions taken by or under the authority of that government. The program covered claims for losses which occurred between October 1, 1949, when the PRC government ascended to power, and November 6, 1966, the program's authorization date.

When the program was authorized, no funds were available with which to make payment on claims. The statute provided only for the determination of the validity and amounts of claims and the certification of the Commission's findings to the Secretary of State for use in the future negotiation of a claims settlement agreement with the PRC. The first China Claims Program was completed on July 6, 1972.

Subsequently, the Governments of the United States and the PRC concluded a formal claims agreement settling claims of U.S. nationals which arose between October 1, 1949, and May 11, 1979 (the date of the agreement). Pursuant to the provisions of this agreement, the PRC agreed to pay a total of \$80.5 million to the United States for deposit in a China Claims Fund established by the Department of the Treasury. Under the agreement, the schedule of payments to the Department of the Treasury provided for an initial payment of \$30 million on October 1, 1979 and five annual payments of \$10.1 million on October 1 of each year thereafter, beginning in 1980 and ending in 1984. Pursuant to the statutory payment provisions in section 8 of Title I of the ICSA (22 U.S.C. § 1627(f)), payments were made from the China Claims Fund by the Department of the Treasury on the losses certified in this program, and also on the awards certified in the second China Claims Program. (*See* subsection A.15, below.)

11. Bulgaria and Romania - Second Programs

On July 2, 1963, the United States concluded a formal claims settlement agreement with the Government of Bulgaria. *Agreement Regarding Claims of United States Nationals and Related Financial Matters*, U.S.-Bulg., July 2, 1963, 14 U.S.T. 969. Under that agreement, the Government of Bulgaria paid the sum of \$400,000 in settlement of claims of U.S. nationals. This amount was deposited into the Bulgarian Claims Fund to supplement the amount derived from the prior liquidation of Bulgarian assets for payments on awards granted by the Commission in both Bulgarian claims programs. (See subsection A.3, above.)

On March 30, 1960, the United States concluded a formal claims settlement agreement with the Government of Romania. *Settlement of Claims of United States Nationals and Other Financial Matters*, U.S.-Rom., Mar. 30, 1960, 11 U.S.T. 317. That agreement provided for the payment of the sum of \$2.5 million in settlement of claims of U.S. nationals. This amount was deposited into the Romanian Claims Fund to supplement the amount derived from the prior liquidation of Romanian assets for payments on awards granted by the Commission in both Romanian claims programs. (See subsection A.3, above.)

An amendment to Title III of the ICSA (22 U.S.C. § 1641b) authorized the Commission to consider claims against Bulgaria and Romania which arose after the first programs were authorized (see subsection A.3, above) but prior to the effective date of the claims settlement agreements with the governments of those countries. Pub. L. No. 90-421, 82 Stat. 420 (1968). The second Bulgarian and Romanian Claims Programs were completed on December 24, 1971, as required by the amendment.

12. Italy - Second Program

The second Italian Claims Program was administered pursuant to a further amendment to Title III of the ICSA; in effect, this was an extension of the first Italian Claims Program (see subsection A.4, above). Pub. L. 90-421, approved July 24, 1968, 82 Stat. 422 (22 U.S.C. § 1641c). The Commission was authorized to consider claims of U.S. nationals who were eligible to file in the first Italian Claims Program, but who failed to file, as well as claims of U.S. nationals against Italy which arose in certain areas

ceded by Italy under the Treaty of Peace, including the Dodecanese Islands. Excluded from consideration were claims of persons who had previously received compensation in the first Italian Claims Program or under the Treaty of Peace with Italy. Payments on awards granted by the Commission in this program were made from the balance remaining in the Italian Claims Fund following payment of the awards granted in the first Italian Claims Program. This second program was completed on December 24, 1971.

13. Hungary - Second Program

On March 6, 1973, the United States concluded a formal claims settlement agreement with the Government of Hungary under which that government agreed to pay the sum of \$18.9 million, to be paid in installments, in settlement of claims of U.S. nationals. *Agreement Regarding the Settlement of Claims*, U.S.-Hung., Mar. 6, 1973, 24 U.S.T. 522. These payments were deposited in the Hungarian Claims Fund to supplement the amount derived from the prior liquidation of Hungarian assets for payments on awards granted by the Commission in both Hungarian claims programs. (See subsection A.3, above.) The final installment payment was made on June 9, 1980.

As in the second programs for Bulgaria and Romania, under a subsequent amendment to Title III of the ICSA (22 U.S.C. § 1641b), Congress authorized the Commission to determine claims of U.S. nationals against the Government of Hungary based on nationalization or other taking of property between August 9, 1955, the date on which the first Hungarian Claims Program was approved, and March 6, 1973, the date of the agreement with Hungary. Pub. L. No. 93-460, 88 Stat. 1386 (1974). The Commission was also authorized to adjudicate certain claims which should have been filed in the first Hungarian Claims Program, but were not, due to an administrative error which caused notices of that program to be mailed to non-existent addresses. The second Hungarian Claims Program was completed on May 16, 1977.

14. German Democratic Republic (East Germany)

Title VI of the ICSA (22 U.S.C. § 1644 *et seq.*) authorized the Commission to receive and determine claims against the German Democratic Republic (GDR) for losses which arose from the nationalization, expropriation or other taking by that government of

property interests of U.S. nationals. Pub. L. No. 94-542, 90 Stat. 2509 (1976). When the program was authorized, no funds were available for payment of the awards issued by the Commission. The program was completed on May 16, 1981.

The Department of State subsequently conducted negotiations with the GDR—and, after the unification of Germany on October 1, 1990, with the Federal Republic of Germany—to obtain a claims settlement providing funds for payment of the Commission’s awards. Those negotiations culminated in the signing of a settlement agreement on May 13, 1992, in which Germany assented to payment of up to \$190 million to settle and discharge the claims against it. *Agreement Concerning the Settlement of Certain Property Claims*, U.S.-F.R.G., May 13, 1992, T.I.A.S. 11,959. Its initial payment was \$160 million, with up to an additional \$30 million to be paid if needed. The agreement allowed claimants to elect either to accept payment of their Commission awards or to waive their right to payment in order to pursue claims for their properties under German law. 1992 FCSC Ann. Rep. 87. In April 1997, the United States and Germany exchanged diplomatic notes fixing the amount of “final transfer” under the May 1992 agreement at \$102,010,961.47 to cover the claims of claimants who elected to receive payment of their Commission awards. 1997 FCSC Ann. Rep. 58.

15. China - Second Program

As discussed in subsection A.10, above, in 1972 the Commission completed the first China Claims Program, adjudicating claims of U.S. nationals which arose between October 1, 1949, and November 6, 1966. On May 11, 1979, an agreement was entered into with the People’s Republic of China settling claims of U.S. nationals arising through the date of that agreement. *Agreement Concerning the Settlement of Claims*, U.S.-P.R.C., May 11, 1979, 30 U.S.T. 1957. The Commission thereafter proceeded under section 4(a) of Title I of the ICSA (22 U.S.C. § 1623(a)(1)(B)) to adjudicate claims by U.S. nationals which arose between November 6, 1966, and May 11, 1979. The awards granted in the second China Claims Program were also paid out of the funds received under the 1979 agreement. The Commission completed the second China Claims Program on July 31, 1981.

16. Vietnam

On February 25, 1986, the Commission completed a program to determine the validity and amount of claims of U.S. nationals against the Socialist Republic of Vietnam arising from the nationalization or other taking of property on or after April 29, 1975, when the Government of the Republic of Vietnam (South Vietnam) was overthrown. The program was authorized under Title VII of the ICSA. Pub. L. No. 96-606, 94 Stat. 3534 (1980) (22 U.S.C. § 1645 *et seq.*). A claims settlement agreement was concluded with the Socialist Republic of Vietnam on January 28, 1995, which provided funds in the total amount of \$203,504,248.00 for payment of the Commission's awards. *Agreement Concerning the Settlement of Certain Property Claims*, U.S.-Vietnam, Jan. 28, 1995, T.I.A.S. 12,602.

17. Ethiopia

On December 19, 1985, the United States Government concluded a compensation agreement with the Provisional Military Government of Socialist Ethiopia for the settlement of claims against that government arising as a result of the nationalization, expropriation, or other taking of, or restrictive measures directed against, property rights or interests of U.S. nationals. *Compensation Agreement*, U.S.-Eth., Dec. 19, 1985, T.I.A.S. 11,193. The agreement provided for payment to the United States of a total of \$7 million as compensation for the claimants, with \$5.5 million of that amount paid in ten equal semi-annual installments ending in January 1991.

Exercising its authority under section 4(a) of Title I of the ICSA (22 U.S.C. § 1623(a)(1)(B)), on March 31, 1986, the Commission began adjudication of the claims covered by the settlement agreement, and set a program completion date of September 30, 1987. During the course of the program, the Commission issued decisions on a total of 45 claims. It found 27 of those claims to be compensable, and made awards amounting to \$14,387,510.96 in principal and \$10,024,589.00 in interest. Following completion of the program on September 30, 1987, the Commission made a final certification of the awards to the Secretary of the Treasury for payment, in accordance with section 5 of the ICSA (22 U.S.C. § 1624).

18. Egypt

On June 29, 1990, the Commission completed the adjudication of claims against the Government of Egypt, pursuant to its authority under section 4(a) of Title I of the ICSA (22 U.S.C. § 1623(a)(1)(B)). The claims were based on uncompensated “nationalization, expropriation, confiscation and other restrictive measures of or against” U.S. nationals’ property between January 1, 1952 and October 27, 1976. Initial decisions on most of the claims were issued by the Office of the Legal Adviser in the Department of State, following entry into force of the U.S.-Egyptian Claims Settlement Agreement of 1976. *Agreement Concerning Claims of Nationals of the United States, U.S.-Egypt*, May 1, 1976, 27 U.S.T. 4214 (entered into force Oct. 27, 1976). However, to expedite distribution of the amounts remaining from the original \$10 million paid to the United States under the agreement, the Legal Adviser requested, by letter dated May 11, 1989, that the Commission take jurisdiction over the claims and determine the claimants’ entitlement to share proportionately in those remaining funds. In most of the claims, this was accomplished by issuance of awards of interest, which had not been included in the awards made by the Department of State.

During the course of the program, the Commission issued decisions in a total of 85 claims, out of which 83 were found to be compensable. In these, it made awards, including principal and interest, in the total amount of \$5,189,236.64.

19. Cuba - Second Program

By letter dated July 15, 2005, Secretary of State Condoleezza Rice, pursuant to her authority under 22 U.S.C. § 1623(a)(1)(C), requested that the Commission conduct a second Cuban Claims Program. This letter is reprinted on page 16 of the Commission’s Annual Report to Congress for 2005 (2005 FCSC Ann. Rep. 16). As specified in the Secretary of State’s referral letter, the purpose of the program was to effect the adjudication and certification by the Commission of claims for uncompensated taking of U.S. nationals’ property by the Cuban government that arose after May 1, 1967, and were not adjudicated in the Commission’s original Cuban Claims Program, conducted between 1965 and 1972. (*See* subsection A.8, above.) The Commission published notice of the commencement of the claims program in the *Federal Register* on August 11, 2005 (*Notice of*

Commencement of Claims Adjudication Program and of Program Completion Date, 70 Fed. Reg. 46,890 (Aug. 11, 2005)), in accordance with its usual procedures, and set a filing period of six months and a program length of twelve months, as specified in the Secretary of State's letter. The notice announced that the filing deadline was February 13, 2006, and that the program would end on August 11, 2006.

The Commission received five claims during the six-month filing period; awards were issued in two claims and three claims were denied. Following the completion of the program in August 2006, the Commission certified the awards to the Secretary of State for use in future negotiations of a lump-sum claims settlement agreement with the Cuban government.

20. Libya - First Program

By letter dated December 11, 2008, U.S. Department of State Legal Adviser John B. Bellinger, III, requested, pursuant to 22 U.S.C. § 1623(a)(1)(C), that the Commission adjudicate claims of U.S. nationals against Libya for physical injury arising out of certain terrorist incidents occurring prior to June 30, 2006. This referral letter is reprinted in its entirety in the Commission's 2008 Annual Report. 2008 FCSC Ann. Rep. 7-9. As specified in the referral letter, the purpose of the program was to effect the adjudication and certification by the Commission of one category of claims within the scope of Article I of the *Claims Settlement Agreement Between the United States of America and the Great Socialist People's Libyan Arab Jamahiriya*, 2008 U.S.T. Lexis 72 ("Claims Settlement Agreement"), which was entered into by the United States and Libyan Governments on August 14, 2008, as part of the process toward normalization of diplomatic relations. On March 23, 2009, the Commission published notice in the *Federal Register* announcing the commencement of the Libya Claims Program pursuant to Title I of the ICSCA and the Legal Adviser's December 2008 referral letter. *Notice of Commencement of Claims Adjudication Program*, 74 Fed. Reg. 12,148 (March 23, 2009).

The Commission received 50 claims pursuant to the December 2008 referral letter and rendered Final Decisions in all of the claims, issuing awards totaling approximately \$100.5 million. Following completion of the program on May 21, 2013, *see* 78 Fed. Reg. 15,377 (March 11, 2013), the Commission made a final certification of the awards to the Secretary of

the Treasury for payment, in accordance with section 5 of the ICSA (22 U.S.C. § 1624).

21. Libya - Second Program

By a letter dated January 15, 2009, U.S. Department of State Legal Adviser John B. Bellinger, III, requested, pursuant to 22 U.S.C. § 1623(a)(1)(C), that the Commission conduct a second Libya Claims Program. The Legal Adviser referred six categories of claims within the scope of the Claims Settlement Agreement for adjudication and certification by the Commission, including claims for hostage-taking or unlawful detention, mental pain and anguish, wrongful death, severe physical injury, and commercial claims. This second referral letter is reprinted in its entirety in the Commission's 2009 Annual Report. 2009 FCSC Ann. Rep. 9-16. On July 7, 2009, the Commission published notice in the *Federal Register* announcing the commencement of adjudication of claims. *Notice of Commencement of Claims Adjudication Program*, 74 Fed. Reg. 32,193 (July 7, 2009). By letter dated March 26, 2010, Deputy Legal Adviser Jonathan B. Schwartz amended Attachment 1 to the January 2009 referral letter to include one additional case as part of the "Pending Litigation" described therein. The letter amending the second referral is reprinted in its entirety in the Commission's 2010 Annual Report. 2010 FCSC Ann. Rep. 8-9.

The Commission received 195 claims pursuant to the different categories of claims provided in the January 2009 referral letter. The Commission rendered Final Decisions in all of these claims and made \$270.3 million in awards. Following completion of the program on May 21, 2013, *see* 78 Fed. Reg. 15,377 (March 11, 2013), the Commission made a final certification of the awards to the Secretary of the Treasury for payment, in accordance with section 5 of the ICSA (22 U.S.C. § 1624).

22. Iraq - First Program

By letter dated November 14, 2012, U.S. Department of State Legal Adviser Harold Hongju Koh requested, pursuant to 22 U.S.C. § 1623(a)(1)(C), that the Commission adjudicate claims of U.S. nationals against Iraq for personal injury (First Iraq Claims Program). This letter is reprinted in its entirety in the Commission's 2012 Annual Report. 2012 FCSC Ann. Rep. 22-24. The November 2012 referral consisted of claims

of U.S. nationals who had already received compensation from the State Department under the 2010 Claims Settlement Agreement for hostage-taking, and authorized the Commission to award additional compensation to those individuals, provided they could show, among other things, that they suffered a “serious personal injury” during their detention. The referral covered injuries arising from certain specified acts, such as “sexual assault, coercive interrogation, mock execution, or aggravated physical assault.” On March 26, 2013, the Commission published notice in the *Federal Register* announcing the commencement of the First Iraq Claims Program pursuant to Title I of the ICSA and the Legal Adviser’s November 2012 referral letter. *Notice of Commencement of Iraq Claims Adjudication Program, and of Program Completion Date*, 78 Fed. Reg. 18,365 (March 26, 2013).

The Commission received 28 claims pursuant to the November 2012 referral letter and rendered Final Decisions in all of the claims, issuing awards totaling \$14.5 million. Following completion of the program on February 2, 2016, *see* 80 Fed. Reg. 72,738 (November 20, 2015), the Commission made a final certification of the awards to the Secretary of the Treasury for payment, in accordance with section 5 of the ICSA (22 U.S.C. § 1624).

23. Libya - Third Program

By letter dated November 27, 2013, Acting Legal Adviser Mary E. McLeod requested, pursuant to 22 U.S.C. § 1623(a)(1)(C), that the Commission conduct a third Libya Claims Program. The Acting Legal Adviser referred six categories of claims within the scope of the U.S.-Libya claims settlement agreement for adjudication and certification by the Commission, including claims for physical injury, hostage-taking, mental pain and anguish, and commercial injuries. This third referral letter is reprinted in its entirety in the Commission’s 2013 Annual Report. 2013 FCSC Ann. Rep. 10-17. On December 13, 2013, the Commission published notice in the *Federal Register* announcing the commencement of the third Libya Claims Program and setting a filing deadline of June 13, 2014. *Notice of Commencement of Claims Adjudication Program*, 78 Fed. Reg. 75,944 (December 13, 2013).

The Commission received 97 claims under the categories set forth in the November 2013 referral letter and issued Final Decisions in all of the

claims, with awards totaling \$37.7 million. Following completion of the program on April 6, 2018, *see* 83 Fed. Reg. 3,026 (January 22, 2018), the Commission made a final certification of the awards to the Secretary of the Treasury for payment, in accordance with section 5 of the ICSA (22 U.S.C. § 1624).

24. Iraq - Second Program

By letter dated October 7, 2014, Acting Legal Adviser Mary E. McLeod requested, pursuant to 22 U.S.C. § 1623(a)(1)(C), that the Commission conduct a second Iraq Claims Program. The Acting Legal Adviser referred three categories of claims within the scope of the U.S.-Iraq claims settlement agreement for adjudication and certification by the Commission, including claims for hostage-taking, death while being held hostage, and personal injury. This referral letter is reprinted in its entirety in the 2014 Annual Report. 2014 FCSC Ann. Rep. 19-21. On October 23, 2014, the Commission published notice in the *Federal Register* announcing the commencement of the Second Iraq Claims Program and setting a filing deadline of October 23, 2015. *Notice of Commencement of Claims Adjudication Program*, 79 Fed. Reg. 63,439 (October 23, 2014).

The Commission received 339 claims under the categories set forth in the October 2014 referral letter and issued Final Decisions in all of the claims, with awards totaling \$121 million. Following completion of the program on April 13, 2020, *see* 85 Fed. Reg. 19,029 (April 3, 2020), the Commission made a final certification of the awards to the Secretary of the Treasury for payment, in accordance with section 5 of the ICSA (22 U.S.C. § 1624).

B. Claims under the War Claims Act of 1948

1. Title I

Pursuant to Title I of the War Claims Act of 1948 (Pub. L. No. 80-896, 62 Stat. 1240 (1948) (50 U.S.C. App. § 2001 *et seq.*) and amendments thereto (“WCA”), the Commission and its other predecessor, the War Claims Commission, were authorized to administer 10 prisoner-of-war (POW) and civilian internee compensation programs and four war damage and loss compensation programs. These programs consisted of (in chronological order):

- Section 6(b): Claims of service members in the Armed Forces of the United States who were imprisoned by the enemy during World War II and who were not fed in accordance with the standards prescribed by the Geneva Convention of July 27, 1929 (50 U.S.C. App. § 2005(b));
- Section 5(a): Claims of American citizens who were interned or in hiding in specified areas in the Pacific during World War II (50 U.S.C. App. § 2004(a));
- Section 7(a): Claims of religious organizations in the Philippines or their personnel for goods and services furnished to civilian American internees and members of the Armed Forces of the United States who were held as prisoners of war during World War II (50 U.S.C. App. § 2006(a));
- Section 6(d): Claims of members of the Armed Forces of the United States who were mistreated while imprisoned by the enemy during World War II (50 U.S.C. App. § 2005(d));
- Sections 7(b) and (c): Claims of United States-affiliated religious organizations in the Philippines for damage or destruction of educational, medical and welfare institutions and other connected non-religious facilities during World War II (50 U.S.C. App. § 2006(b-c));
- Section 6(e): Claims of members of the Armed Forces of the United States captured during the Korean conflict (50 U.S.C. App. § 2005(e));
- Section 5(g): Claims of civilian American internees in Korea during the Korean conflict (50 U.S.C. App. § 2004(g));
- Section 5(f): Claims of civilian American employees of contractors interned by the Japanese forces during World War II (50 U.S.C. App. § 2004(f));

- Section 15: Claims of Americans who were captured and held as POWs while serving in the Allied Forces during World War II (50 U.S.C. App. § 2014);
- Section 16: Claims of American merchant seamen interned during World War II (50 U.S.C. App. § 2015);
- Section 17: Claims of American citizens and business entities for losses as a result of the sequestration of accounts, deposits and other credits in the Philippines by the Imperial Japanese Government (50 U.S.C. App. § 2016);
- Section 7(h): Claims of non-United States affiliated religious organizations in the Philippines of the same denomination as those of religious organizations functioning in the United States or their personnel for the value of relief furnished to American civilians and POWs and for damage to or loss of educational institutions and other connected non-religious facilities during World War II (50 U.S.C. App. § 2006(h));
- Section 5(h): Claims based upon the death or imprisonment of Guamanians by the Japanese forces on Wake Island during World War II (50 U.S.C. App. § 2004(h)); and
- Section 6(e): Claims of military and civilian personnel assigned to duty on board the U.S.S. Pueblo who were captured by the military forces of North Korea on January 23, 1968, and thereafter imprisoned by the Government of North Korea (50 U.S.C. App. § 2005(e)).

2. Title II

Under the authority of Title II of the WCA (Pub. L. No. 87-846, 76 Stat. 1107 (1962) (50 U.S.C. App. § 2017 *et seq.*)), the Commission also administered the General War Claims Program. In this program, the Commission determined the validity and amount of claims of U.S. nationals for loss or destruction of, or physical damage to, property located in certain specified areas of Europe and the Pacific and for certain deaths and personal injuries resulting from military operations during World War II. Section 615 of Pub. L. No. 94-542, approved October 18, 1976, allowed

consideration of protests relating to awards in decisions on these claims issued during the last 10 calendar days of the program (May 7-17, 1967).

* * * * *

All of the above programs were completed by the dates specified by Congress in the authorizing statutes. Citations to reports and statistics on the programs are included in Sections V and VI of this Annual Report.

Funds for the payment of claims and administrative expenses in all but three of the programs conducted under the WCA were derived from the liquidation of Japanese and German assets under the control of the Attorney General of the United States, which had been blocked and vested in the United States during World War II under the Trading With the Enemy Act, rather than from Congressional appropriations from the general revenues of the United States. These funds were deposited in the War Claims Fund, a special fund established in the Department of the Treasury for this purpose. The three exceptions mentioned above were the programs for compensation of POW and civilian internee claims arising from the Korean conflict and from the U.S.S. Pueblo incident. Funds for payment of claims and expenses for administration of these programs were appropriated by the Congress.

C. Claims Under Other Statutory Authority

1. Philippines

The Commission was authorized to administer a Philippine Claims Program pursuant to Public Law No. 87-616, 76 Stat. 411 (1962), as amended by Pub. L. No. 88-94, 77 Stat. 122 (1963) (50 U.S.C. App. §§ 1751-1763 note)). This statute provided for the recertification of the unpaid balances of awards previously granted by the United States-Philippine War Damage Commission under the Philippine Rehabilitation Act of 1946, as compensation for damage to and destruction of property in the Philippines during World War II. This legislation did not authorize the filing of any new claims or the reconsideration of any previously filed claims. It authorized additional payments only to persons or the successors of persons to whom payments had been made on account of awards granted by the Philippine War Damage Commission, which had completed its functions on March 31, 1951. This program was completed on December 23, 1964.

2. Lake Ontario

Public Law No. 87-587 gave the Commission the unique assignment of conducting a program to determine the validity and amounts of claims of citizens of the United States for damages caused during 1951 and 1952 by the Government of Canada's construction and maintenance of the Gut Dam in the Saint Lawrence River. 76 Stat. 387 (1962). The Commission's responsibility was to adjudicate the claims and report its findings and conclusions to the President of the United States for such action as he might deem appropriate. The statute further provided that, if an agreement was concluded between the Governments of the United States and Canada for arbitration or adjudication of these claims, the Commission would discontinue its activities and transfer its records to the Secretary of State.

The program was commenced in November 1962 and extensive research and development of claims was conducted. However, an agreement with Canada was concluded in March of 1965 and, as directed by the statute, the Commission immediately discontinued the program and transferred its records to the Department of State.

3. Czechoslovakia - Second Program

As discussed in subsection A.6, above, in 1962, the Commission completed its first Czechoslovakian Claims Program, in which it adjudicated claims by U.S. nationals arising between January 1, 1945, and August 8, 1958. On December 29, 1981, Congress enacted the Czechoslovakian Claims Settlement Act of 1981 (Pub. L. No. 97-127, 95 Stat. 1675 (1981) (22 U.S.C. note prec. § 1642)), approving a claims settlement agreement which had been reached between the United States and Czechoslovakia. *See Agreement on the Settlement of Certain Outstanding Claims and Financial Issues*, U.S.-Czechoslovakia, Jan. 29, 1982, T.I.A.S. 11,264 (entered into force Feb. 2, 1982). Under that agreement, the Government of Czechoslovakia paid to the United States a total of \$81.5 million in settlement of all claims which had arisen up to the date of the agreement.

The claims statute directed that three accounts be created out of the total settlement amount. The first account, amounting to \$74.55 million, was set aside to make further payments on the unpaid balance of awards

made in the first Czechoslovakia Claims Program. The second account in the amount of \$1.5 million was established to pay claimants who had suffered losses subsequent to August 8, 1958. The statute also directed the Commission to conduct a program to determine such claims. A third account, consisting of the remainder of settlement funds available, \$5.4 million, was set aside to make *ex gratia* payments to certain claimants whose claims had previously been denied due to their lack of U.S. citizenship on the date of loss. The Commission was directed to re-adjudicate the claims of those claimants and to find them valid if the owner of the confiscated property had become a U.S. citizen by February 26, 1948. This was referred to informally as the “Beneš” claims program, because the claims at issue in it had originally arisen during the term of the socialist Czech president Edouard Beneš. On February 24, 1985, the Commission completed the second Czechoslovakian Claims Program, including the “Beneš” claims program, as required by the 1981 statute.

4. Iran

On May 13, 1990, the United States concluded an agreement with the Government of Iran providing for the lump-sum settlement of claims of U.S. nationals against Iran of under \$250,000 per claim (“small claims”), which had been pending against Iran at the Iran-U.S. Claims Tribunal (“the Tribunal”) in The Hague, Netherlands. *Settlement Agreement in Claims of Less Than \$250,000, Case No. 86 and Case No. B38* (the “Settlement Agreement”). The claimants had filed these claims through the Department of State following the conclusion of the Algiers Accords by the United States and Iran on January 19, 1981.

To ensure that the Commission would be able to implement an agreement settling the small claims, Congress enacted legislation in 1985 giving the Commission standby jurisdiction to adjudicate the claims once an agreement was reached. Pub. L. No. 99-93, 99 Stat. 437 (1985) (50 U.S.C. § 1701 note). That jurisdiction became effective when the Settlement Agreement was approved by the Tribunal, which took place on June 22, 1990. *United States v. Iran*, Award No. 483, 25 Iran-U.S. Cl. Trib. Rep. 327 (1992).

In addition to the unresolved small claims, the agreement covered a block of small claims that the claimants had withdrawn from the Tribunal, a second block that the Tribunal had dismissed for lack of jurisdiction, and

a third block that had been filed with the Department of State too late to meet the Tribunal's January 19, 1982 filing deadline. Also included were certain claims of the United States based on loans from the U.S. Agency for International Development (USAID) to the Imperial Government of Iran. Under the terms of the agreement, Iran transferred \$105 million to the United States in an *en bloc* settlement of all of these categories of claims.

On June 28, 1990, the Department of State formally transferred responsibility for the small claims to the Commission, as provided in the Settlement Agreement, and began transferring the files pertaining to the claims from the Tribunal to Washington, D.C. In addition, the Department issued a formal determination dividing the settlement fund between the small claims and the USAID loan claims, allocating \$50 million to the former and \$55 million to the latter.

The Iran Claims Program was completed on February 24, 1995; by May 1995, the payment process had been substantially completed. The Commission published its final report on the claims program in its 1995 Annual Report. 1995 FCSC Ann. Rep. 5-9.

5. Holocaust Survivors Claims Program

The Commission conducted the Holocaust Survivors Claims Program pursuant to a September 1995 agreement between the United States and the Federal Republic of Germany settling the claims of certain individuals who, as U.S. nationals, suffered "loss of liberty or damage to body or health" as a result of persecution by the German Nazi regime. *Agreement Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution*, U.S.-F.R.G., Sept. 19, 1995, T.I.A.S. 13,019. The Commission was granted authority to implement the agreement and conduct the program on January 26, 1996, upon enactment of Public Law No. 104-91, as amended by Public Law No. 104-99, enacting into law House Report 104-378 (22 U.S.C. § 1644 note).

The Commission began receiving claims in the spring of 1996 and in 1997 issued a Proposed Decision and a Final Decision setting forth its findings and conclusions on the scope of the program; these are reprinted in its 1997 Annual Report. By September 19, 1997, the Commission had issued individual Proposed Decisions on all of the claims received in the

program, and by the end of February 1998 it had issued Final Decisions on all of the objections to those Proposed Decisions. In March 1998, the Commission certified the decisions issued in the program to the Secretaries of State and Treasury, in accordance with the claims statute. Following this certification, the Department of State began negotiations with the Government of the Federal Republic of Germany to obtain a lump-sum settlement of the claims found compensable in the Commission's program. In December 1998, the United States and Germany succeeded in concluding an agreement in principle on a settlement. The agreement was subsequently implemented via an exchange of diplomatic notes and made public on January 25, 1999. *See Supplementary Agreement to the Agreement of September 19, 1995, Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution*, U.S.-F.R.G., Jan. 25, 1999, T.I.A.S. 13,019. These notes were reprinted in the Commission's 1999 Annual Report. 1999 FCSC Ann. Rep. 8.

The agreement provided for a lump-sum payment by Germany to the United States of 34.5 million Deutsche Marks (approximately \$18.5 million), to be made as soon as funds in that amount were appropriated by the German Parliament. The actual transfer of the funds took place on June 7, 1999, and the Department of the Treasury immediately began the process of disbursing award payments to the eligible claimants.

Under both the terms of the Commission's jurisdictional statute and the terms of the U.S.-German diplomatic exchanges, the identities of individual claimants, the number of claims received and awarded, and the amounts of the individual awards may not be publicly disclosed. Accordingly, this program is not included in the index and tables that appear in Sections V and VI of this report.

6. Guam Claims Program

The Guam World War II Loyalty Recognition Act ("GLRA") authorized the Commission to administer the Guam Claims Program, which provided compensation for injuries suffered as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II or incident to the liberation of Guam by United States military forces. National Defense Authorization Act, Pub. L. No. 114-328, § 1705(a)(1) (Dec. 23, 2016). Injuries eligible for compensation under the Act

included death, rape, personal injury, severe personal injury, forced labor, forced march, internment, and hiding to evade internment. *Id.* at §§ 1704(c)(1)-(2).

Meritorious claimants received statutorily-set payments: claimants who suffered rape or severe personal injury were entitled to \$15,000; claimants who suffered forced labor or personal injury were entitled to \$12,000; and claimants who suffered forced march, internment, or hiding to evade internment were entitled to \$10,000. *Id.* at §§ 1704(a)(1)(A)-(C). Meritorious death claims were awarded \$25,000, to be distributed among eligible survivors. *Id.* at § 1704(a)(2).

On June 20, 2017, the Commission published notice in the Federal Register announcing the commencement of a program to adjudicate claims for compensation under the Act and setting a filing deadline of June 20, 2018. Notice of Commencement of Claims Adjudication Program and of Deadline for Filing of Claims, 82 Fed. Reg. 28,093 (June 20, 2017).

The Commission received 3,923 claims and issued Final Decisions in all of them, with awards totaling \$34 million. The adjudication of claims in the Guam Claims Program was completed in 2022.

SECTION V: COMPLETED PROGRAMS INDEX

A. International Claims Settlement Act of 1949

Claims Against	Title of Act	Statutory Authority	
		Public Law No.	Title 22, U.S. Code
Bulgaria			
- First Program	III	84-285	1641b
- Second Program	III	90-421	1641b
China			
- First Program	V	89-780	1643
- Second Program	I	81-455	1623(a)
Cuba			
- First Program	V	88-666	1643
- Second Program	I	81-455; 105-277	1623(a)
Czechoslovakia*	IV	85-604	1642
Egypt	I	81-455	1623(a)
Ethiopia	I	81-455	1623(a)
German Democratic Republic	VI	94-542	1644
Hungary			
- First Program	III	84-285	1641b
- Second Program	III	93-460	1641b
Italy			
- First Program	III	84-285	1641c
- Second Program	III	90-421	1641c
Iraq			
- First Program	I	81-455; 105-277	1623(a)
- Second Program	I	81-455; 105-277	1623(a)
Libya			
- First Program	I	81-455; 105-277	1623(a)
- Second Program	I	81-455; 105-277	1623(a)
-Third Program	I	81-455; 105-277	1623(a)
Panama	I	81-455	1623(a)
Poland	I	81-455	1623(a)
Romania			
- First Program	III	84-285	1641b
- Second Program	III	90-421	1641b
Soviet Union	III	84-285	1641d
Vietnam	VII	96-606	1645
Yugoslavia			
- First Program	I	81-455	1623(a)
Yugoslavia			
- Second Program	I	81-455	1623(a)

* The second Czechoslovakian Claims Program was authorized by the Czechoslovakian Claims Settlement Act of 1981. See C. Under Other Statutory Authority, below.

B. War Claims Act of 1948

Type of Claim	Section of Act	Statutory Authority	
		Public Law No.	Title 50, U.S. Code App.
A. CIVILIAN INTERNEE			
Korean Conflict	5(g)	83-615	2004(g)
U.S.S. Pueblo Incident	6(e)	91-289	2005(e)
Vietnam Conflict	5(i)	91-289	2004(i)
World War II (Pacific area)			
- Guamanians (Wake I.)	5(h)	87-617	2004(h)
- U.S. Citizens	5(a)	80-896	2004(a)
- Employees of Contractors	5(f)	83-744	2004(f)
World War II (Worldwide)			
- Merchant Seamen	16	83-744	2015
B. DAMAGE OR LOSS OF PROPERTY			
World War II (Philippines)			
- Bank Accounts	17	83-744	2016
- Religious Organizations	7(a-c)	82-303	2006(a-c)
- Non-U.S. Affiliated	7(h)	84-997	2006(h)
- U.S. Affiliated Aid to U.S. Armed Forces	7	80-896	2006(a)
- Educational & Other non-Religious Facilities	7(b-c)	82-303	2006(b-c)
World War II General	202	87-846 *(94-542)	2017(a) *(2017i, j, note)
C. PRISONER OF WAR			
Korean Conflict	6(e)	83-615	2005(e)
U.S.S. Pueblo Incident	6(e)	91-289	2005(e)
Vietnam Conflict	6(f)	91-289	2005(f)
World War II U.S. Armed Forces			
- Inadequate food rations	6(b)	80- 896	2005(b)
- Inhumane treatment	6(d)	82-303	2005(d)
U.S. Citizens Allied Armed Forces	15	83-744	2014

* Authorized protest period for claims decisions issued during last ten days of General War Claims Program.

C. Under Other Statutory Authority

Title of Claims Program	Statutory Authority	
	Public Law No.	U.S. Code
Iran	99-93	50 U.S.C. 1701 note
Lake Ontario	87-587	
Philippine	87-616	50 U.S.C. App. 1751-1763 note
Second Czechoslovakian	97-127	22 U.S.C. note prec. 1642
Holocaust Survivors	104-99	22 U.S.C. 1644 note
Guam	114-328	

SECTION VI: COMPLETED PROGRAMS TABLE

A. International Claims Settlement Act of 1949 (Program Details)

Title/Country	Program Dates		No. of Awards	No. of Denials
	Filing Deadline	Completion		
Title I				
Yugoslavia-First	6/30/51	12/31/54	876	671
Yugoslavia-Second	1/15/68	7/15/69	519	1,354
Panama	8/4/52	12/31/54	62	5
Poland	3/31/62	3/31/66	5,022	5,147
China-Second	8/31/79	7/31/81	3	78
Ethiopia	9/30/86	9/30/87	27	18
Egypt	11/30/89	6/29/90	83	2
Cuba-Second	2/13/06	8/11/06	2	3
Libya-First	7/23/09	5/21/13	34	16
Libya-Second	7/07/10	5/21/13	107	95
Libya-Third	6/13/14	4/6/18	33	64
Iraq-First	6/26/13	2/2/16	14	14
Iraq-Second	10/23/15	4/13/20	315	24
Title III				
Bulgaria-First	9/30/56	8/9/59	217	174
Bulgaria-Second	6/30/70	12/24/71	13	49
Hungary-First	9/30/56	8/9/59	1,153	1,572
Hungary-Second	5/15/75	5/16/77	365	1,159
Romania-First	9/30/56	8/9/59	498	575
Romania-Second	6/30/70	12/24/71	85	300
Italy-First	9/30/56	8/9/59	482	1,764
Italy-Second	6/30/70	12/24/71	90	324
Soviet Union	4/02/56	8/9/59	1,925	2,205
Title IV				
Czechoslovakia	9/15/59	9/15/62	2,630	1,346
¹ Czechoslovakia-Second				
- “Beneš” Claims	None	2/24/85	128	
- Post-1958 Claims	2/24/83	2/24/85	327	1,292
Title V				
Cuba-First	5/1/67	7/6/72	5,911	2,905
China-First	7/6/69	7/6/72	378	198
Title VI				
German Democratic Republic	5/16/78	5/16/81	1,899	1,999
Title VII				
Vietnam	2/25/83	2/25/86	192	342
Iran Claims Act				
Iran	6/22/90	2/24/95	1,066	2,000

¹ Under an agreement signed on January 29, 1982, the Czechoslovakian Government paid \$81.5 million for settlement of all claims of U.S. nationals between January 1, 1945 and February 2, 1982. Under the Czechoslovakian Claims Settlement Act of 1981 (Pub. L. No. 97-127), Congress established a \$74.55 million fund for further payment of awards under Title IV and authorized the Commission to redetermine certain claims for losses of property owned by persons who became U.S. nationals on or before February 26, 1948, and to adjudicate claims for losses arising after August 8, 1958, the end of the period covered by the first Czechoslovakian Claims Program. Funds of \$5.4 million and \$1.5 million, respectively, were set aside by Congress for payment of these awards.

B. International Claims Settlement Act of 1949 (Awards and Payments)

Title/Country	Principal Amt. of Awards	Funds for Payment	Approx. Pro Rata % of Awards Paid
Title I			
Yugoslavia-First	\$18,417,113	\$17,000,000	91%
Yugoslavia-Second	\$9,685,093	\$3,500,000	36.1%
Panama	\$441,892	\$400,000	90%
Poland	\$100,737,682	\$40,000,000	33%
China-Second	\$176,455	¹ \$80,500,000	\$1,000 plus 39.03%
Ethiopia	\$14,387,511	\$7,000,000	\$1,000 plus 48.55%
Egypt	² \$5,885,369	\$10,000,000	100% of principal plus 81.13% of Interest
Cuba-Second	\$51,144,926.95	(None)	
Libya-First	\$100,500,000		100%
Libya-Second	\$258,865,939		100% (plus 100% of Interest when awarded)
Libya-Third	\$37,700,000		69.4%
Iraq-First	\$14,500,000		100%
Iraq-Second	\$121,425,000		90%
Title III			
Bulgaria-First	\$4,684,186	\$2,676,234	\$1,000 plus 69.71%
Bulgaria-Second	\$141,400	\$400,000	\$1,000 plus 69.71%
Hungary-First	\$58,277,458	\$2,235,751	³ \$1,000 plus 37%
Hungary-Second	\$3,729,228	\$18,900,000	³ \$1,000 plus 37%
Romania-First	\$60,011,348	\$20,164,213	\$1,000 plus 37.84%
Romania-Second	\$1,091,102	\$2,500,000	\$1,000 plus 37.84%
Italy-First	\$2,239,413	\$5,000,000	100% plus Interest (\$762,294)
Italy-Second	\$348,934	\$1,086,520	100% plus Interest (\$110,652)
Soviet Union	\$70,466,019	\$8,658,722	\$1,000 plus 9.717%
Title IV			
Czechoslovakia	⁴ \$113,645,205	\$8,540,768	\$1,000 plus 5.30%
		\$74,550,000	70.93%
Czechoslovakia-Second			
- "Beneš" Claims	\$43,906,382	\$5,400,000	12.30%
- Post-1958 Claims	\$5,120,928	\$1,500,000	29.29%
Title V			
Cuba-First	\$1,851,057,358	(None)	
China-First	\$196,681,841	\$80,500,000	\$1,000 plus 39.03%
Title VI			
German Democratic Republic	\$77,880,353	\$102,010,961	100% of principal plus approx. 50% of Interest
Title VII			

Title/Country	Principal Amt. of Awards	Funds for Payment	Approx. Pro Rata % of Awards Paid
Vietnam	\$99,471,984	\$203,504,248	100% of principal plus 80.30% of Interest
Iran Claims Act			
Iran	\$41,570,936	\$57,822,759	100% of principal plus 34.96% of Interest

¹ Also covers awards issued in the first China Claims Program under Title V of the Act.

² Includes awards in the principal amount of \$5,767,610.34 issued by the State Department before transfer of the claims to the Commission in 1989.

³ \$1,000 plus 40% paid on war damage claims in which awards were granted in this program (38.5% from War Claims Fund).

⁴ Includes both principal and interest, since payment priorities and limitations under this Title were based on the total amount of awards whereas such priorities and limitations under Titles I and III were based on prorated payments on principal amount of awards, prior to making payments on awards of interest. Breakdown of Czechoslovakia awards amount is: principal – \$72,614,634; interest – \$41,030,571.

C. War Claims Act of 1948 (Program Details)

Authority	Type of Claim	Filing Period
Title I §		
6(b)	Members of U.S. Armed Forces held as prisoners of war during World War II-\$1 per day for inadequate food rations.	1/30/50-3/31/52
5(a)	U.S. civilians interned by Japanese or in hiding in U.S. territories and possessions during World War II-\$60 per month.	1/30/50-3/31/52
7(a)	U.S. affiliated religious organizations and personnel for reimbursement for aid furnished to U.S. Armed Forces and civilians during World War II in Philippines.	1/30/50-3/31/52
6(d)	Members of U.S. Armed Forces held as prisoners of war during World War II-\$1.50 per day for forced labor and inhumane treatment.	4/9/52-8/1/54
7(b-c)	U.S. affiliated religious organizations for damage or loss of educational and other non-religious facilities in Philippines during World War II.	4/9/52-8/1/54
6(e)	Members of U.S. Armed Forces held as prisoners of war during the Korean Conflict-\$2.50 per day.	8/21/54-8/21/55
5(g)	U.S. civilians interned or in hiding during Korean Conflict \$60 per month.	8/21/54-8/21/55
5(f)	U.S. civilian employees of contractors interned by Japanese in U.S. Territories and possessions during World War II-\$60 per month.	8/31/54-8/31/55
15	U.S. citizens serving in Armed Forces of U.S. Allies held as prisoners of war during World War II-\$2.50 per day.	8/31/54-8/31/55
16	U.S. merchant seamen interned during World War II (not covered under Sec. 5(a))-\$60 per month.	8/31/54-8/31/55
17	Sequestration of bank accounts of U.S. civilians, members of U.S. Armed Forces, U.S. business firms, and bank institutions in Philippines during World War II.	8/31/54-8/31/55
7(h)	Non-U.S. affiliated religious organizations in Philippines of same denomination of religious organizations functioning in	8/6/56-2/6/57

Authority	Type of Claim	Filing Period
	U.S. for reimbursement for aid and damages as covered under Sec. 7(a-c).	
5(h)	Detention benefits to Guamanians captured by Japanese on Wake Island during World War II-\$60 per month.	8/31/62-2/28/63
6(e)	Civilians and members of U.S. Armed Forces assigned to U.S.S. Pueblo who were held as prisoners by North Korea-\$2.50 per day.	9/16/70-6/24/71
Title II §		
202	War damage or loss of property in certain Eastern European countries, and in territories occupied or attacked by Japanese forces during World War II; damage to ships; losses to insurers, and by passengers on ships.	7/15/63-1/15/65 ¹ (11/8/76-2/7/77)

¹ These dates represent protests and additional awards granted pursuant to Section 615 of Public Law No. 94-542, approved October 18, 1976

D. War Claims Act of 1948 (Awards and Payments)

Authority	Number of Claims	No. of Denials	No. of Awards	Amount of Awards	Program Completed
Title I §					
6(b)	286,315	¹ 106,590	179,725	\$49,935,899	3/31/55
5(a)	23,000	13,740	9,260	\$13,679,329	3/31/55
7(a)	10,194	10,159	35	\$2,858,560	3/31/55
6(d)	254,228	75,328	178,900	\$73,492,926	3/31/55
7(b-c)	89	41	48	\$17,238,597	3/31/55
6(e)	9,877	427	9,450	\$8,874,458	8/21/56
5(g)	10	0	10	\$16,774	8/21/56
5(f)	2,968	746	2,222	\$4,082,086	8/31/56
15	266	59	206	\$335,836	8/31/56
16	385	214	171	\$333,594	8/31/56
17	3,626	459	3,167	\$10,570,917	8/31/56
7(h)	109	67	42	\$8,711,482	2/6/58
5(h)	35	0	35	\$91,782	12/31/63
6(e)	82	0	82	\$68,256	6/24/71

Authority	Number of Claims	No. of Denials	No. of Awards	Amount of Awards	Program Completed
Title II §					
202	22,605	15,566	7,039	² \$334,783,630	5/17/67
	³ (4)	³ (1)	³ (3)	³ (\$1,026,548)	³ (3/4/77)
Totals, All Programs	613,789	223,396	390,392	\$526,100,674	

¹ Many thousands of claims for prisoner-of-war compensation were filed by residents in U.S. possessions and territories occupied by enemy forces during World War II who were not officially listed as members of duly recognized units of the Armed Forces of the U.S. during World War II. Those claimants were ineligible to receive prisoner of war compensation, which accounts for the high number of disallowances.

² As of December 31, 1974, the cumulative amount available in the War Claims fund for payment of claims was \$417,145,075. 1974 FCSC Ann. Rep. 13. Pursuant to Section 103 of Public Law No. 87-846, enacted on October 22, 1962, payment of awards was to be made in the order of priority set forth in Section 213 of Title II of the War Claims Act of 1948, as amended by the 1962 Act.

³ These dates, numbers, and amounts represent protests and additional awards granted pursuant to Section 615 of Public Law 94-542, approved October 18, 1976.

SECTION VII: LIST OF CHAIRS AND COMMISSIONERS

WHITNEY GILLILLAND, Chairman, August 6, 1954 to November 15, 1959

HENRY J. CLAY, August 6, 1954 to August 15, 1958

PEARL CARTER PACE, August 6, 1954 to November 30, 1959; **Chair**, December 1, 1959 to March 28, 1961

ROBERT L. KUNZIG, August 21, 1958 to January 19, 1961

THOMAS W.S. DAVIS, December 2, 1959 to March 28, 1961

EDWARD D. RE, Chairman, March 29, 1961 to February 27, 1968

LAVERN R. DILWEG, April 14, 1961 to January 2, 1968

THEODORE JAFFE, March 29, 1961 to October 21, 1971

LEONARD v. B. SUTTON, Chairman, March 28, 1968 to October 21, 1969

SIDNEY FREIDBERG, June 24, 1968 to August 24, 1970

LYLE S. GARLOCK, Chairman, February 25, 1970 to October 31, 1973; continued as Commissioner until July 30, 1975

KIERAN O'DOHERTY, June 22, 1972 to October 21, 1973

J. RAYMOND BELL, Chairman, November 1, 1973 to October 21, 1977

WILFRED J. SMITH, August 28, 1974 to October 21, 1979

ROBERT E. LEE, April 7, 1976 to October 21, 1978

RICHARD W. YARBOROUGH, Chairman, December 8, 1978 to October 21, 1981

FRANCIS L. JUNG, June 28, 1980 to December 6, 1981

RALPH W. EMERSON, December 31, 1980 to August 28, 1981

FRANK H. CONWAY, August 31, 1981 to November 2, 1994

J. RAYMOND BELL, Chairman, October 22, 1981 to September 6, 1983

JOSEPH W. BROWN, December 7, 1981 to March 15, 1988

BOHDAN A. FUTEY, Chairman, May 3, 1984 to May 27, 1987

ROBERT J. KABEL, March 15, 1988 to February 1, 1991

STANLEY J. GLOD, Chairman, August 12, 1988 to September 8, 1992

BENJAMIN F. MARSH, February 1, 1991 to November 3, 1994

JAMES H. GROSSMAN, Chairman, September 8, 1992 to November 26, 1993

DELISSA A. RIDGWAY, Chair, October 13, 1994 to May 28, 1998

RICHARD T. WHITE, November 3, 1994 to September 21, 2002

JOHN R. LACEY, November 4, 1994 to December 31, 2000; **Chairman**, February 15, 2001 to December 20, 2001

LARAMIE F. MCNAMARA, January 12, 2001 to December 20, 2001

MAURICIO J. TAMARGO, Chairman, February 6, 2002 to February 18, 2010

JEREMY H. GONZALEZ IBRAHIM, March 20, 2003 to March 2, 2006

STEPHEN C. KING, March 2, 2006 to May 29, 2009

RAFAEL E. MARTINEZ, May 28, 2008 to September 13, 2013

TIMOTHY J. FEIGHERY, Chairman, March 21, 2011 to February 16, 2013

ANUJ C. DESAI, April 6, 2012 to June 4, 2018

SYLVIA M. BECKER, September 16, 2013 to present

PATRICK HOVAKIMIAN, June 4, 2018 to present

