

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

THE MATTER OF THE CLAIM OF

ALBERT C. SCHWARTING

Claim No. BUL-2-016

Decision No. BUL-2-

8

under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim, in the amount of \$5,250.00 is based upon the loss sustained in connection with the ownership of bonds of the issue known as Kingdom of Bulgaria 7% Settlement Loan of 1926 and Kingdom of Bulgaria 7-1/2% Stabilization Loan of 1928, in the total face amount of \$3,000.00. The claimant, ALBERT C. SCHWARTING, states that he has been a national of the United States since his birth on December 17, 1910.

On July 2, 1963, the Government of the United States and the Government of Bulgaria agreed as follows:

(1) The Government of the United States of America and the Government of the People's Republic of Bulgaria agree that the lump sum of \$3,543,398, as specified in Article II of this Agreement, will constitute full and final settlement and discharge of the claims of nationals of the United States of America, whether natural or juridical persons, against the Government of the People's Republic of Bulgaria which are described below:

(a) Claims of nationals of the United States of America for the restoration of, or payment of compensation for, property, rights and interest (direct and indirect), as specified in Article 23 of the Treaty of Peace with Bulgaria which entered into force on September 15, 1947;

(b) Claims of nationals of the United States of America for the nationalization, compulsory liquidation or other taking of property and of rights and interests (direct and indirect) in and with respect to property prior to the effective date of this agreement;

(c) Claims of nationals of the United States of America predicated (directly or indirectly) upon obligations expressed in currency of the United States of America arising out of contractual or other rights acquired by nationals of the United States of America prior to April 24, 1941, and which became payable prior to September 15, 1947. (Article I(1) of Agreement Between the Government of the United States of America and the Government of the People's Republic of Bulgaria Regarding Claims of United States Nationals and Related Financial Matters, July 2, 1963, 14 UST 969, TIAS 5387 (1963)).

Under Subsection (4) of Section 303, Title III of the International Claims Settlement Act of 1949 [69 Stat. 570 (1955), 22 U.S.C. §§1641-1641g (1964)], as amended by Section 10 of Public Law 90-421, approved on July 24, 1968 [82 Stat. 420 (1968)], the Commission is given jurisdiction over certain claims included within the terms of the Agreement, supra, namely, to receive and determine claims against the Government of Bulgaria arising out of the failure of that government to pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States between August 9, 1955, and July 2, 1963, the effective date of the Agreement.

Accordingly, the Commission holds that its jurisdiction is limited by Subsection (4) of Section 303 of the Act, supra, to those claims which arose out of the nationalization, compulsory liquidation, or other taking of property between August 9, 1955, and July 2, 1963, and that it has no jurisdiction to receive and determine claims for other losses such as the failure of the Government of Bulgaria to pay its bond obligation, a contractual right expressed in currency of the United States.

It is noted that claims based upon bonds issued by the Government of Bulgaria, which are the subject of this claim, were provided for in a previous claims program administered by the Commission under Subsection (3) of Section 303, Title III of the Act, supra.

Claims covered by this section were those based upon the failure of the Government of Bulgaria to meet obligations expressed in currency of the United States acquired by nationals of the United States prior to September 1, 1939, and which became payable prior to September 15, 1947. That claims program, however, was completed on August 9, 1959, pursuant to a statutory mandate and the Commission does not have any present authority to receive and determine such claims.

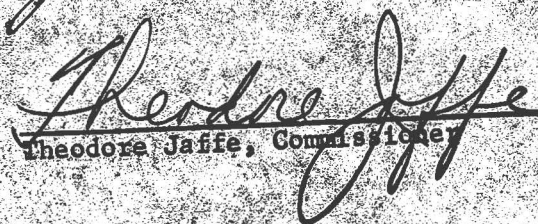
It is clear from the foregoing that claims based on dollar bonds issued by the Government of Bulgaria were not provided for under Section 303(4) of the International Claims Settlement Act of 1949, as amended by Public Law 90-421, supra. Therefore, this claim based upon such bonds must be and it is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission.

SFP 30 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (ECSC Reg., 45 C.F.R. 531.5(e) and (g) as amended.)

CLASSIFICATION

BUL-2-016

This is a true and correct copy of the decision
of the Commission entered as the Final
Decision of the Commission.

