

Mr. MONAGAN. We will take a short recess.

(Whereupon, a short recess was taken.)

Mr. MONAGAN. Please continue, Mr. Casarella.

Mr. CASARELLA. In return the United States waived (1) all claims falling within article 23 of the treaty of peace with Bulgaria, article 24 and 25 of the treaty of peace with Rumania, and (2) all claims falling within the provisions of the settlement agreements without regard to whether the claimants are compensated pursuant to U.S. legislation. Concerning the claims against Bulgaria, this means that the 217 awards which were previously allowed to American claimants by the Foreign Claims Settlement Commission in a total amount of \$6,571,825 (including \$4,684,187 in principal and \$1,887,638 in interest) have to be considered fully settled by the additional payment of \$400,000. This \$400,000 is not to be devoted solely to the satisfaction of these claimants, but, according to H.R. 9063 as appears in section 8, it will also cover the claims of all new claimants whose property was taken between August 9, 1955, and the effective date of the United States-Bulgarian Claims Agreement of July 2, 1963.

According to the bill, these new claimants will receive the same quotas the previous claimants received, and the balance will be distributed equally among all claimants, whether earlier awardees or new claimants.

The Bulgarian Claims Committee wishes to submit its objections, because we consider that pursuant to the provisions of the peace treaty with Bulgaria, and the International Claims Settlement Act of 1949, as amended, and Public Law 285, 84th Congress, the new executive agreements with Rumania and Bulgaria, by waiving the rights of those awardees who received less than the full amount of their award and who, in accordance with the respective treaties of peace with Rumania and Bulgaria and the express provision of an act of Congress to claim the unpaid balance of their claim against the Bulgarian and Rumanian Governments respectively violated the constitutional rights of U.S. citizens. In this respect I wish to call to the committee's attention section 315 of Public Law 285, 84th Congress, in which Congress provides as follows:

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 in 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.

Contrary to this provision, article I, section I, of the United States-Bulgarian Claims Agreement of July 2, 1963, expressly states:

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.

By such a provision the U.S. Government deprived its citizens of their rights against the Government of Bulgaria. That represents simply a taking and confiscatory measure without due process of law.