

BARBARA W. TROUSIL, EDWARD G. TROUSIL, AND
ROBERT E. TROUSIL

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

WITHOUT APPROVAL, H.R. 3372, FOR THE RELIEF OF BARBARA W.
TROUSIL, EDWARD G. TROUSIL, AND ROBERT E. TROUSIL

AUGUST 27, 1962.—Referred to the Committee on the Judiciary and ordered to
be printed

To the House of Representatives:

I am returning herewith, without my approval, H.R. 3372, for the relief of Barbara W. Trousil, Edward G. Trousil, and Robert E. Trousil.

This bill would waive the applicable statute of limitations and permit Barbara W. Trousil, Edward G. Trousil, and Robert E. Trousil to file their claims under the Czechoslovakian claims program administered by the Foreign Claims Settlement Commission.

In 1958, the Congress authorized a program to compensate those U.S. citizens who sustained losses when their property located in Czechoslovakia was nationalized following World War II. Under that program—to be financed from the liquidation of certain assets of the Czechoslovakian Government situated in the United States—the statutory deadline for filing claims was September 15, 1959.

The beneficiaries of the present bill, U.S. citizens who returned to this country from Czechoslovakia after the war, filed their claim under the Czechoslovakian program in August 1960. It was, therefore, necessarily rejected by the Foreign Claims Settlement Commission as being barred by the applicable statute of limitations.

According to the report of the House Committee on the Judiciary, the beneficiaries' failure to file timely was due to the deception of the manager of their Czechoslovakian properties. It is asserted that this manager, starting in 1953, repeatedly deceived the beneficiaries

as to the status of their property and that it was not until 1960 that they became suspicious, went to Czechoslovakia, and learned that the property had, in fact, been nationalized in 1953. Had they not been so misled, it is argued, the beneficiaries would have known about the loss of their property and would, therefore, have filed a timely claim under the 1958 statute.

While regretting the losses suffered by the beneficiaries, I find myself unable to approve this bill. First of all, accepting the facts as presented in the committee report, it seems to me that the beneficiaries could and should have taken the precaution of filing under the claims program while taking earlier steps to verify the status of their property. Indeed, the manager's reported explanation that earnings from the property could not be removed from Czechoslovakia would, of itself, appear to be a sufficient reason for filing a claim. Given the wide range of possible reasons for not filing claims within a prescribed statute of limitations, I do not believe those which have been advanced in this case are sufficiently distinguishing to warrant the discriminatory relief proposed in H.R. 3372.

My second reason for disapproving the bill relates to the Czechoslovakian claims program as a whole. Claims adjudications under this program are required to be completed by the Foreign Claims Settlement Commission next month. It now appears that with awards aggregating over \$80 million, compared with the \$9 million available to pay them, claimants will be fortunate if they realize 10 cents on the dollar under the statutory payment scheme providing for full payment up to \$1,000, with pro rata distribution thereafter.

It is obvious that any award to the beneficiaries of the present bill would reduce the extremely limited awards payable to claimants who filed their claims timely. In addition, the time required for presentation of the beneficiaries' case and adjudication of their claim would necessarily delay pro rata distribution to the more than 4,000 claimants, most of whom have already waited many years for compensation. Waiver of the statutory period in this case could also serve as a precedent for similar action on behalf of other claimants, thus delaying still further the ultimate settlement date.

JOHN F. KENNEDY.

THE WHITE HOUSE, August 24, 1962.

H.R. 3372

EIGHTY-SEVENTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON WEDNESDAY, THE TENTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND SIXTY-TWO

AN ACT For the relief of Barbara W. Trousil, Edward G. Trousil, and Robert E. Trousil.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of title IV of the International Claims Settlement Act of 1949, as amended, limiting the period within which claims may be filed thereunder, the Foreign Claims Settlement Commission of the United States shall have jurisdiction to determine the validity and amount of the claims of Barbara W. Trousil and her sons, Edward G. Trousil and Robert E. Trousil, filed under the provisions of such Act for property lost by them through its nationalization by the Government of Czechoslovakia, and shall certify to the Secretary of the Treasury for payment out of the Czechoslovakia Claims Fund any award made under such Act. The Secretary of the Treasury shall pay to said Barbara W. Trousil, Edward G. Trousil, and Robert E. Trousil out of such fund, in accordance with the provisions of section 413 of such Act, the amount of any such award so certified by the Commission.

JOHN W. McCORMACK,
Speaker of the House of Representatives.

LEE METCALF,
Acting President pro tempore of the Senate.

[Endorsement on back of bill:]

I certify that this Act originated in the House of Representatives.

RALPH R. ROBERTS, *Clerk.*

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