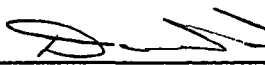
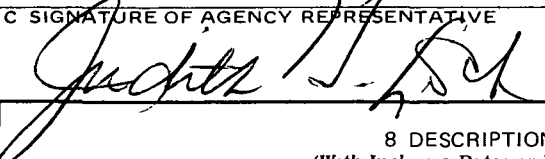


REQUEST FOR RECORDS DISPOSITION AUTHORITY <i>(See Instructions on reverse)</i>		LEAVE BLANK	
TO GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		JOB NO NI-299-89-3	DATE RECEIVED 6-7-89
1 FROM (Agency or establishment) Department of Justice		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Foreign Claims Settlement Commission		In accordance with the provisions of 44 U.S.C. 3401, the disposal request, including amendments except for items that may be marked "disapproved" or "withdrawn" in column 10, are proposed for disposal, the signature of the agency representative is not required.	
3 MINOR SUBDIVISION		DATE 8/2/89	ARCHIVIST OF THE UNIT 
4 NAME OF PERSON WITH WHOM TO CONFER JUDITH LOCK	5 TELEPHONE EXT 653-5883		
6 CERTIFICATE OF AGENCY REPRESENTATIVE			

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency that the records proposed for disposal in this Request of 3 page(s) are not now needed for the business of the agency or will not be needed after the retention periods specified, and that written concurrence from the Accounting Office, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached.

A GAO concurrence is attached, or is unnecessary

B DATE 6/2/89	C SIGNATURE OF AGENCY REPRESENTATIVE 	D TITLE Admin. Officer
7 ITEM NO	8 DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>	9 GRS OR SUPERSEDED JOB CITATION

1. CORRESPONDENCE RELATING TO THE 1ST AND 2ND CHINA PROGRAMS, 1945-1981. Letters from non-claimants seeking information from the FCSC regarding the China programs. [Appears to include (interfiled) correspondence from boxes 20-25, Accession 299-76-2, which was loaned back to the agency in 1979.] Arranged alphabetically. Boxes 5-12 of WNRC Accession 299-82-002.

Volume: 8 feet.
DISPOSITION: TEMPORARY. Destroy in 2002.

REQUEST FOR RECORDS DISPOSITION AUTHORITY – CONTINUATION

JOB NO.

PAGE

7 ITEM NO	8 DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>	9 GRS OR SUPERSEDED JOB CITATION	10 PAGES (N/A)
	<p>RECORDS RELATING TO THE CUBA PROGRAM, 1964-1972. (WNRC Accession 299-76-1)</p> <p>2. Non-Claimant Correspondence. Letters from non-claimants seeking information from the FCSC regarding the Cuba program. Arranged alphabetically by name of claimant. Boxes 1-12.</p> <p>Volume: 12 feet DISPOSITION: TEMPORARY. Destroy 30 years after close of final case.</p> <p>3. Stockholder Correspondence. Letters to and from persons holding stock in companies conducting business in Cuba between 1959 and 1964, regarding procedures for filing claims. Arranged alphabetically by name of company. Boxes 13-15.</p> <p>Volume: 3 feet. DISPOSITION: TEMPORARY. Destroy 30 years after close of final case.</p> <p>4. Miscellaneous Correspondence. Letters, primarily form-letters ("information sheets"), asking about or describing procedures for filing a claim. Arranged alphabetically. Box 16.</p> <p>Volume: 1 foot. DISPOSITION: TEMPORARY. Destroy 30 years after close of final case.</p> <p>5. "Too Late" Correspondence. Correspondence from claimants and non-claimants received by the Commission after the deadline in 1964. Arranged alphabetically. Boxes 29-30.</p> <p>Volume: 2 feet. DISPOSITION: TEMPORARY. Destroy 30 years after close of final case.</p> <p>6. Collected Reference Material. Information relating to Cuban laws, the value of businesses and property in Cuba, and Americans living in Cuba, collected by the FCSC. Un-arranged. Boxes 17-23 and 27 (partial).</p> <p>Volume: 7.25 feet. DISPOSITION: TEMPORARY. Destroy 30 years after close of final case.</p>		

REQUEST FOR RECORDS DISPOSITION AUTHORITY – CONTINUATION

JOB NO.

PAGE

7 ITEM NO	8 DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>	9 GRS OR SUPERSEDED JOB CITATION	10 T (N, C
	<p>7. Exhibits to Claims Files. Exhibits to CU 1821, CU 2275, CU 938, CU 2567, CU 2622, and CU 2623. The original cases were appraised as permanent under NC1-299-80-3. Boxes 24-26.</p> <p>Volume: 3 feet. DISPOSITION: PERMANENT. Transfer to the National Archives 30 years after close of final case.</p> <p>8. Precedent Decisions and Decisions of Special Interest. Decisions in the Cuba program that the FCSC considered of particular importance. Arranged as "Precedent Decisions," "Special Decisions," not to be cited as precedents, and "Decisions of Special Interest." Indexed by case number, with an explanation of importance. Box 27 (partial).</p> <p>Volume: .75 feet. DISPOSITION: PERMANENT. Transfer to the National Archives 30 years after close of final case.</p> <p>9. Final Awards, Denials, and Dismissals. Summary lists of the final outcome of each case, including monetary amount suggested. Arranged by outcome, thereunder by case number. Box 28.</p> <p>Volume: 1 foot. DISPOSITION: PERMANENT. Transfer to the National Archives 30 years after close of final case.</p>		

**RECOMMENDATION TO THE ARCHIVIST ON RECORDS
DISPOSITION REQUEST**

JOB NUMBER
NT-299-

ITEM COUNT
9

SUMMARY

The Foreign Claims Settlement Commission of the Department of Justice is the disposition authority for records relating to the First and China claims programs and the Cuban claims program. (The claims themselves have been previously appraised as permanent.) The correspondence reference material are scheduled for eventual destruction; claims precedent decisions, and lists of final awards, denials, and dismissals scheduled for transfer to the National Archives.

I recommend approval of this schedule. The correspondence is consistent with routine matters such as requests for information and the procedural filing; the reference material also does not document major program. The exhibits, decisions, and lists, however, provide substantive evidence of the Commission's efforts and accomplishments.

RECOMMENDATION

1. **APPROVED FOR DISPOSAL** The records described under all items of the schedule, except those that may be listed in blocks 2, 3, and 4 section, are disposable because they do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research or other value to warrant their continued preservation by the Government

2. **APPROVED FOR PERMANENT RETENTION** The records described under the following item or items have been appraised by the National Archives and Records Administration (NARA) and are determined to have sufficient historical or other value to warrant their continued preservation by the United States Government. The agency will offer these records to the National Archives as specified
Items 7, 8, and 9

3. **DISPOSITION NOT APPROVED** The records described under the following item or items are not approved for disposition


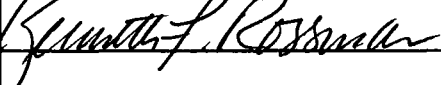
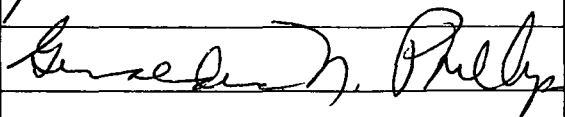
4. **WITHDRAWN** The records described under the following item or items have been withdrawn at the request of the agency and/or NARA

FEDERAL REGISTER NOTICE

Not Required

Required — Publication Date June 29, 1989
Copies Requested None
Comments Received None

SIGNATURES

	TITLE	SIGNATURE	DATE
#2 F/S/89 APPRAISAL	APPRAISER		15 Aug
	DIRECTOR, RECORDS APPRAISAL AND DISPOSITION DIVISION		8/15/89
CONCURRENCES	NNT		8-16

May 15, 1989

Ms. Judith Lock
Department of Justice
Foreign Claims Settlement Commission
1111 20th Street, NW
Room 400
Washington, DC 20579

Dear Ms. Lock:

The National Archives and Records Administration has recently completed an appraisal of Foreign Claims Settlement Commission (FCSC) records at the Washington National Records Center relating to the 1st and 2nd China Programs and the Cuba Program. The claims files for both these programs have previously been appraised as permanent. The current appraisal covers non-claimant, "too late," stockholder, and miscellaneous correspondence; reference material; exhibits; precedent decisions and decisions of special interest; and final awards, denials, and dismissals. We have determined that the five cubic feet of exhibits, decisions, final awards, denials, and dismissals possess sufficient value for permanent retention in the National Archives. The remaining records are proposed for disposal. Further information on the records is contained on the attached SF 115, Request for Records Disposition Authority (registered as Job Number N1-299-89-3).

If you concur in the proposed disposition of these records, please complete entries 6B-D of the forms and return the originals and three copies to this office. As soon as the SF 115 is approved by the Archivist of the United States, we will send you a signed copy of the schedule.

Your assistance on this matter is appreciated. If you have any questions, please call me on 724-1450.

Sincerely,

PATRICIA RICHTER
Records Appraisal and
Disposition Division

Enclosures

Official File - NI
Day File - NI²

cc: NIRC

PRichter:mj

5/15/89

doc: PR^299^LTR:FILE

File: Department of Justice

National Archives



Washington, DC 20

Date May 4, 1989
Reply to
Attn of E Everly
Subject N1-299-89-3P
To NNT

H.W.S./10/89
Tat

This is an appraisal of 37 cubic feet of records of the Foreign Claims Settlement Commission relating to claims against China and Cuba. NIR, who has examined the records at the WNRC, recommends that approximately 5 cubic feet of exhibits, precedent decisions, and final awards, be appraised as permanent and transferred to the National Archives 30 years after the close of the final claims case. This transfer date is consistent with the date of transfer of the claims files of both the China and Cuba programs that were appraised in N1-299-80-3. NIR further believes that the correspondence and reference materials are non-permanent and should be destroyed after they no longer are in any need to keep them.

NNR, NNTA, and I recommend concurrence with NIR's appraisal.

NIR: NNT concurs. *Gwendolyn D. Phillips* 5/9/89
Director, Textual Projects Division

National Archives



Washington, DC 204

Date May 3, 1989
Reply to
Attn of NNTA
Subject N1-299-89-03 (NNT 150)
To Elaine Everly - NNT

I agree with NNTA-S in recommending concurrence. I trust that the transfer dates for Items 7-9 are consistent with those in NCI-299-80-3.

RONALD E. SWERCZEK
Chief, Archival Projects Branch
Textual Projects Division


Date: April 14, 1989

Reply to the
attention of: NNTA-S

Subject: N1-299-89-03

To: NNTA

Elizabeth K. Lockwood has produced a clear and reasoned appraisal of records of the Foreign Claims Settlement Commission concerning claims against China and Cuba. I recommend concurrence.



CHARLES F. DOWNS II
Assistant Chief,
Archival Projects Branch
Textual Projects Division

National Archives



Washington, DC 204

Date April 6, 1989
Reply to Elizabeth K. Lockwood/Patricia Richter
Attn of
Subject Job No. N1-299-89-3P
To Director, NIR

HW, 4/10/89

The Foreign Claims Settlement Commission (FCSC) has offered 37 feet of records relating to claims against China and Cuba. The records are currently located at the Washington National Records Center.

The FCSC was established by Reorganization Plan 1 of 1954 (68 Stat 1279), effective July 1, 1954. The Commission has primary responsibility for the determination of claims of United States citizens and nationals against foreign governments for compensation for property losses and injuries sustained during nationalization. The jurisdiction of the Commission has encompassed the administration of 18 claims programs including the 1st and 2nd China programs and the Cuba program, which are described below.

The 1st China program, administered pursuant to an amendment to Title V (PL 89-780), was authorized to consider claims of nationals of the United States against the Chinese Communist regime based on 1) losses resulting from the nationalization of property, and 2) disability or death of nationals of the United States resulting from actions taken by or under the authority of the government. The first program covered claims for losses occurring between October 1, 1949 and November 6, 1966. The Commission was not appropriated funding for making reparations. Instead, the FCSC was authorized to decide the validity of each claim for future negotiations with the People's Republic of China. In 1979, the PRC agreed to pay \$80.5 million to the U.S., and under the authority of section 8 of Title I (PL 81-455) the FCSC made payments to the approved claimants. Under the 2nd China program, the FCSC adjudicated the claims by U.S. nationals that arose between November 6, 1966 and May 11, 1979. On July 31, 1981, the Commission completed its second China program.

The original claims of both China programs already have been appraised as permanent under the authority of NC1-299-80-3. This schedule covers FCSC records related to the China programs, but not including the original claims. Boxes 5-12 of Accession 299-82-002 contain correspondence about both programs. It appears that boxes 20-25 of Accession

299-76-2, loaned back to the FCSC in 1979, have been reboxed and reaccessioned within boxes 5-12 of 299-82-002.

The eight boxes of correspondence date from 1945 to 1981. The correspondents were not claimants, but rather interested parties seeking claims forms or information about the Commission, seeking compensation before the program existed, or attempting to file a claim after the deadline. It appears that correspondence was pulled from this file and placed in an active file if it became relevant to a current program; i.e. correspondents writing to the FCSC about losses in China before 1966 were notified once the 1st China program began, and similarly, "too late" correspondents from the 1st program were informed if they were eligible for the 2nd program. In other words, the correspondence filed in this accession never received further action. The official duties of the Commission are clearly documented within the claims records themselves. This related correspondence is of a general, administrative nature. Therefore, I recommend boxes 5-12 as disposable.

Title V (PL 88-666) of 1964 authorized the FCSC to consider claims of U.S. nationals against Cuba for loss of property or life due to nationalization there. The Cuba program covered claims for losses between January 1, 1959 and October 16, 1964. The Commission was authorized to determine the validity of claims filed and to suggest an appropriate amount for compensation to be used in future negotiations with Cuba. The FCSC completed its Cuba program on July 6, 1972. Although as of this writing, Cuba has authorized no reparations.

The original claims of the Cuba program also have been appraised as permanent under NC1-299-80-3. Accession 299-76-1 consists of 30 feet of records relating to the Cuba claims program, but not including the original claims. This accession is comprised of eight series, arranged as follows:

1. Non-claimant Correspondence. Boxes 1-12 contain correspondence requesting information and forms, seeking to file claims before the Cuba program existed, or attempting to file after the deadline. The correspondence is of a general administrative nature and does not reflect action on the part of the Commission. Arranged alphabetically by correspondent. Volume: 12 feet (boxes 1-12).

2. Stockholder Correspondence. When the Cuba program began, the FCSC attempted to send a form letter to every stockholder of companies conducting business in Cuba. This series contains copies of the individually-addressed form letters, all of the letters returned as undeliverable, and

inquiries received from stockholders or other interested parties seeking information. The correspondence is arranged alphabetically by name of company, thereunder alphabetically by name of correspondent. Volume: 3 feet (boxes 13-15).

3. Miscellaneous Correspondence. This series consists primarily of individually-addressed form letters ("information sheets") answering inquiries regarding the procedures for filing a claim. Also included are letters providing addresses of former Cuban residents, and inquiries soliciting further information from the Commission. Arranged alphabetically by name of correspondent. Volume: 1 foot (box 16).

4. "Too Late" Correspondence. Correspondence from claimants and non-claimants received by the Commission after the deadline. No action was taken on these letters. Arranged alphabetically by name of correspondent. Volume: 2 feet (boxes 29-30).

5. Collected Reference Material. The Commission accumulated a complete set of Cuban laws (Cuba Gaceta Oficial) from 1959-1962 on 46 rolls of microfilm (box 20), and created a variety of indices to the film. In addition to the film, this series includes: a one-phrase summary translation of each law, arranged chronologically (boxes 17-19, 22, and 27-- partial); summary translations of the laws arranged by subject, i.e. nationalization, banking, and petroleum exploration (box 19); two volumes of electrostatic copies of the Cuban Civil Code (Leyes Civiles de Cuba y su Jurisprudencia), dating from 1951 (box 18); electrostatic copies from the Gaceta Oficial (box 23); unarranged lists of Americans in Cuba in 1967-1968-- copies from computer print-outs and names written on scraps of paper; and unarranged subject files relating to values of businesses and properties in Cuba (boxes 22-23). There is much duplication and overlap among the copies of laws and indices. Volume: 7.25 feet (boxes 17-23 and 27-- partial).

6. Exhibits to Claims Files. Exhibits to the following claims files: CU 1743, CU 1821, CU 2275, CU 938, CU 2567, CU 2622, and CU 2623. The claims have been appraised as permanent under NC1-299-80-3. Volume: 3 feet (boxes 24-26).

7. Precedent Decisions and Decisions of Special Interest. Includes the FCSC decisions in the Cuba program that the Commission considered to be especially important. Collected in the following three ways: as "Special Decisions (Cuban Decisions of Interest, Not to be Cited as Precedents)," as "Cuban Decisions of Special Interest," and as "Cuban Precedent Decisions." Each collection in arranged by claim

number, with an index describing why the case was considered of special or precedent interest. Volume: .75 feet (box 27-- partial).

8. Final Awards, Denials, and Dismissals. Includes lists (of claim number, decision number, claimant, and amount) for proposed awards, proposed denials, final awards, final denials, final dismissals, and orders of withdrawal for the entire Cuba program. Volume: 1 foot (box 28).

I recommend that series 1-5 are disposable and should be destroyed 30 years after date of settlement of the final Cuba claim. The correspondence (series 1-4) is of a general, administrative nature, which is neither necessary to document the functions of the Commission nor to provide unique information about Cuba and the Americans living there in the early 1960s. Series 5, reference material collected by the Commission, is unnecessary to understand the work of the Commission. Additionally, it is poorly arranged and would not facilitate research or reference. Finally, it is unlikely that researchers searching for records of Cuban laws would investigate the records of the Foreign Claims Settlement Commission.

I recommend that series 6-8 warrant permanent retention in the National Archives. The exhibits to the claims files are an integral part of the documentation offered to substantiate the claims, and should be maintained with the claims. The precedent decisions and decisions of special interest shed light on the decision-making process of the FCSC and provide evidence of how the Commission conceived of its work. Finally, the awards represent in summary the entire work of the Commission. These records should be transferred to the National Archives thirty years after the close of the final case.

I would appreciate NNT comment on this appraisal.

Elizabeth K. Lockwood

Elizabeth K. Lockwood
Records Appraisal and
Disposition Division