

§ 1644l. Fees for services; limitation; penalty

No remuneration on account of services rendered on behalf of any claimant, in connection with any claim filed with the Commission under this subchapter, shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this subchapter on account of such claims. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

(Mar. 10, 1950, ch. 54, title VI, § 612, as added Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512.)

§ 1644m. Applicability of administrative provisions of subchapter I

To the extent they are not inconsistent with the provisions of this subchapter, the following provisions of subchapter I of this chapter shall be applicable to this subchapter: subsections (b), (c), (d), (e), (h), and (j) of section 1623 of this title; subsections (c), (d), (e), and (f) of section 1626 of this title.

(Mar. 10, 1950, ch. 54, title VI, § 613, as added Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512.)

SUBCHAPTER VII—CLAIMS AGAINST
VIETNAM

§ 1645. Congressional declaration of purpose

It is the purpose of this subchapter to provide for the determination of the validity and amounts of outstanding claims against Vietnam which arose out of the nationalization, expropriation, or other taking of (or special measures directed against) property of nationals of the United States. This subchapter shall not be construed as authorizing or as any intention to authorize an appropriation by the United States for the purpose of paying such claims.

(Mar. 10, 1950, ch. 54, title VII, § 701, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3534.)

§ 1645a. Definitions

As used in this subchapter—

(1) the term “National of the United States” means—

(A) a natural person who is a citizen of the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity;

(2) the term “Commission” means the Foreign Claims Settlement Commission of the United States;

(3) the term “property” means—

(A) any property, right, or interest, including any leasehold interest,

(B) any debt owed by Vietnam or by any enterprise which has been nationalized, expropriated, or otherwise taken by Vietnam, and

(C) any debt which is a charge on property which has been nationalized, expropriated, or otherwise taken by Vietnam;

(4) the term “Vietnam” means—

(A) the Government of the Socialist Republic of Vietnam,

(B) any predecessor governing authority operating in South Vietnam on or after April 29, 1975, including the Provisional Revolutionary Government of South Vietnam,

(C) the Government of the former Democratic Republic of Vietnam, and

(D) any political subdivision, agency, or instrumentality of any of the entities referred to in subparagraphs (A), (B), and (C); and

(5) the term “Claims Fund” means the special fund established in the Treasury of the United States composed of such sums as may be paid to or realized by the United States pursuant to the terms of any agreement settling those claims described in section 1645b of this title that may be entered into between the Governments of the United States and Vietnam.

(Mar. 10, 1950, ch. 54, title VII, § 702, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3534.)

§ 1645b. Receipt and determination of claims; notice by publication in Federal Register

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against Vietnam arising on or after April 29, 1975, for losses incurred as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property which, at the time of such nationalization, expropriation, or other taking, was owned wholly or partially, directly or indirectly, by nationals of the United States to whom no restoration or adequate compensation for such property has been made. Such claims must be submitted to the Commission within the period specified by the Commission by notice published in the Federal Register (which period shall not be more than a period of two years beginning on the date of such publication) within sixty days after December 28, 1980, or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(Mar. 10, 1950, ch. 54, title VII, § 703, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3535.)

§ 1645c. Ownership of claims by nationals

A claim may be favorably considered under section 1645b of this title only if the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss and only to the extent that the claim has been held by one or more nationals of the United States continu-