

ings of, or special measures directed against, property of nationals of the United States, and claims for disability or death of nationals of the United States arising out of violations of international law by the Government of Cuba, or the Chinese Communist regime, in order to obtain information concerning the total amount of such claims against the Government of Cuba, or the Chinese Communist regime, on behalf of nationals of the United States. This subchapter shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims.

(Mar. 10, 1950, ch. 54, title V, § 501, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1110; amended Pub. L. 89-262, § 1, Oct. 19, 1965, 79 Stat. 988; Pub. L. 89-780, § 1, Nov. 6, 1966, 80 Stat. 1365.)

#### AMENDMENTS

1966—Pub. L. 89-780 provided for applicability of section to the Chinese Communist regime in the case of claims which have arisen since October 1, 1949.

1965—Pub. L. 89-262 struck out “which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or” after “Government of Cuba” in first sentence.

#### SEPARABILITY

Act Mar. 10, 1950, ch. 54, title V, § 513, as added by Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1113, provided that: “If any provision of this Act [enacting this subchapter], or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected.”

### § 1643a. Definitions

For the purposes of this subchapter:

(1) The term “national of the United States” means (A) a natural person who is a citizen of the United States, or (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. The term does not include aliens.

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

(3) The term “property” means any property, right, or interest, including any leasehold interest, and debts owed by the Government of Cuba or the Chinese Communist regime or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba or the Chinese Communist regime and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba or the Chinese Communist regime.

(4) The term “Government of Cuba” includes the government of any political subdivision, agency, or instrumentality thereof.

(5) The term “Chinese Communist regime” means the so-called Peoples Republic of China, including any political subdivision, agency, or instrumentality thereof.

(Mar. 10, 1950, ch. 54, title V, § 502, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1110; amended Pub. L. 89-780, § 2, Nov. 6, 1966, 80 Stat. 1365.)

#### AMENDMENTS

1966—Par. (3). Pub. L. 89-780, § 2(1), inserted reference to the Chinese Communist regime in three places.

Par. (5). Pub. L. 89-780, § 2(2), added par. (5).

#### TRANSFER OF FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES AS SEPARATE AGENCY WITHIN DEPARTMENT OF JUSTICE

For provisions transferring Foreign Claims Settlement Commission of the United States as a separate agency within the Department of Justice, see section 1622a et seq. of this title.

### § 1643b. Receipt of claims; determination of amount and validity

#### (a) Claims for property loss

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba, or the Chinese Communist regime, arising since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime, for losses resulting from the nationalization, expropriation, intervention, or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States, if such claims are submitted to the Commission within such period specified by the Commission by notice published in the Federal Register (which period shall not be more than eighteen months after such publication) within sixty days after October 16, 1964, or sixty days after November 6, 1966, with respect to claims against the Chinese Communist regime, or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions with respect to each respective claims program authorized, under this subchapter, whichever date is later. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to, (i) fair market value, (ii) book value, (iii) going concern value, or (iv) cost of replacement.

#### (b) Claims for disability or death

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba, or the Chinese Communist regime, arising since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime, for disability or death resulting from actions taken by or under the authority of the Government of Cuba, or the Chinese Communist regime, if such claims are submitted to the

Commission within the period established by the Commission under subsection (a), or within six months after the date the claims first arose (as determined by the Commission), whichever date last occurs.

(Mar. 10, 1950, ch. 54, title V, § 503, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1110; amended Pub. L. 89-262, § 2, Oct. 19, 1965, 79 Stat. 988; Pub. L. 89-780, § 3, Nov. 6, 1966, 80 Stat. 1365.)

#### AMENDMENTS

1966—Subsec. (a). Pub. L. 89-780, § 3, empowered the Commission to receive claims against the Chinese Communist regime arising since October 1, 1949, if such claims are submitted within such period of time specified by the Commission by notice published in the Federal Register, which notice is required to be published within 60 days after November 6, 1966.

Subsec. (b). Pub. L. 89-780, § 3(1), (2), provided for applicability of subsection to the Chinese Communist regime in the case of claims arising since October 1, 1949.

1965—Subsec. (a). Pub. L. 89-262 struck out “arising out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services rendered or” after “Government of Cuba”.

### § 1643c. Ownership of claims by nationals

#### (a) Requirements for consideration of claims for property loss

A claim shall not be considered under section 1643b(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

#### (b) Requirements for consideration of claims for disability or death

A claim for disability under section 1643b(b) of this title may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 1643b(b) of this title may be considered if filed by the personal representative of decedent's estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously until the date of filing with the Commission.

(Mar. 10, 1950, ch. 54, title V, § 504, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1111.)

### § 1643d. Claims based on ownership interest in or debt or other obligations owing by corporations or other legal entities

#### (a) Nationals of the United States; charge on property

A claim under section 1643b(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered. A claim under section 1643b(a) of this

title based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered, only when such debt or other obligation is a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba, or the Chinese Communist regime.

#### (b) Direct ownership

A claim under section 1643b(a) of this title based upon a direct ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this subchapter, if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant.

#### (c) Indirect ownership

A claim under section 1643b(a) of this title based upon an indirect ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this subchapter, only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

#### (d) Computation of award

The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

(Mar. 10, 1950, ch. 54, title V, § 505, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1111; amended Pub. L. 89-262, § 3, Oct. 19, 1965, 79 Stat. 988; Pub. L. 89-780, § 4, Nov. 6, 1966, 80 Stat. 1365.)

#### AMENDMENTS

1966—Subsec. (a). Pub. L. 89-780 provided for applicability of subsection to property nationalized or taken by the Chinese Communist regime.

1965—Subsec. (a). Pub. L. 89-262 authorized consideration of claims based on debt or other obligation owing by corporations or other legal entities which is a charge on property nationalized, expropriated, intervened, or taken by Government of Cuba.

### § 1643e. Offsets

In determining the amount of any claim, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses.

(Mar. 10, 1950, ch. 54, title V, § 506, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1112; amended Pub. L. 89-262, § 4, Oct. 19, 1965, 79 Stat. 988.)

#### AMENDMENTS

1965—Pub. L. 89-262 struck out proviso that the deduction of such amounts shall not be construed as divesting the United States of any rights against the Government of Cuba for the amounts so deducted.