

sonal 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.

§ 1643f. Action of Commission with respect to claims

(a) Certification of amounts

The Commission shall certify to each individual who has filed a claim under this subchapter the amount determined by the Commission to be the loss or damage suffered by the claimant which is covered by this subchapter. The Commission shall certify to the Secretary of State such amount and the basic information underlying that amount, together with a statement of the evidence relied upon and the reasoning employed in reaching its decision.

(b) Limitation on amount of claims of assignees

The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

(Mar. 10, 1950, ch. 54, title V, § 507, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1112.)

§ 1643g. Transfer of records

The Secretary of State shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this subchapter as may be required by the Commission in carrying out its functions under this subchapter.

(Mar. 10, 1950, ch. 54, title V, § 508, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1112.)

§ 1643h. 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; subsection (f) of section 1626 of this title.