

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.

(Mar. 10, 1950, ch. 54, title V, § 509, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1112.)

**§ 1643i. Time limitation on completion of affairs of Commission**

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this subchapter not later than July 6, 1972.

(Mar. 10, 1950, ch. 54, title V, § 510, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1112; amended Pub. L. 89-780, § 5, Nov. 6, 1966, 80 Stat. 1365; Pub. L. 91-157, Dec. 24, 1969, 83 Stat. 435.)

AMENDMENTS

1969—Pub. L. 91-157 set July 6, 1972, as the final date for the settlement of claims pursuant to this subchapter.

1966—Pub. L. 89-780 inserted “with respect to each respective claims program authorized” after “carrying out its functions”.

**§ 1643j. Authorization of appropriations**

There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission to pay its administrative expenses incurred in carrying out its functions under this subchapter.

(Mar. 10, 1950, ch. 54, title V, § 511, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1113; amended Pub. L. 89-262, § 5, Oct. 19, 1965, 79 Stat. 988.)

AMENDMENTS

1965—Pub. L. 89-262 redesignated subsec. (a) as the complete section, struck out limitation of amount of appropriations to aggregate amount of net proceeds realized from sale or liquidation of property of Government of Cuba and use of funds to pay administrative expenses of the Treasury Department in carrying out its functions, and eliminated subsec. (b) providing for vesting and liquidation of Cuban property.

**§ 1643k. Fees for services; limitation; penalty**

No remuneration on account of any 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 so much of the total amount of such claim, as determined under this subchapter, as does not exceed \$20,000, plus 5 per centum of so much of such amount, if any, as exceeds \$20,000. 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 fined not more than \$5,000 or imprisoned not more than twelve months, or both.

(Mar. 10, 1950, ch. 54, title V, § 512, as added Pub. L. 88-666, Oct. 16, 1964, 78 Stat. 1113.)

**§ 1643l. Determination of ownership of claims referred by district courts of the United States**

Notwithstanding any other provision of this chapter and only for purposes of section 6082 of this title, a United State<sup>1</sup> district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, ques-

tions of the amount and ownership of a claim by a United States national (as defined in section 6023 of this title), resulting from the confiscation of property by the Government of Cuba described in section 1643b(a) of this title, whether or not the United States national qualified as a national of the United States (as defined in section 1643a(1) of this title) at the time of the action by the Government of Cuba.

(Mar. 10, 1950, ch. 54, title V, § 514, as added Pub. L. 104-114, title III, § 303(b), Mar. 12, 1996, 110 Stat. 820.)

EFFECTIVE DATE

Section effective Aug. 1, 1996, or date determined pursuant to suspension authority of President, see section 6085 of this title.

**§ 1643m. Exclusivity of Foreign Claims Settlement Commission certification procedure**

(a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 1643b of this title but did not timely file such claim under that section, nor any person who was ineligible to file a claim under section 1643b of this title, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or non-monetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 1643f of this title, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 1643f of this title.

(Mar. 10, 1950, ch. 54, title V, § 515, as added Pub. L. 104-114, title III, § 304, Mar. 12, 1996, 110 Stat. 821.)

EFFECTIVE DATE

Section effective Aug. 1, 1996, or date determined pursuant to suspension authority of President, see section 6085 of this title.

SUBCHAPTER VI—CLAIMS AGAINST  
GERMAN DEMOCRATIC REPUBLIC

**§ 1644. 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 the German Democratic Republic which arose out of the nationalization, expropriation, or other taking of (or special measures directed against) property interests 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 VI, § 600, as added Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2509.)

<sup>1</sup>So in original. Probably should be “States”.