

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, inter-vened, 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 State¹ district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 6023 of this title), resulting from the confisca-

¹So in original. Probably should be “States”.

tion 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.)

SEPARABILITY

Act Mar. 10, 1950, ch. 54, title VI, § 614, as added by Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512, provided that:

“If any provisions 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.”

AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION

Section 119 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, § 101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, § 211, Jan. 26, 1996, 110 Stat. 37, provided that:

“(a) AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States (the ‘Commission’) is authorized to receive and determine the validity and amount of claims by nationals of the United States against the Federal Republic of Germany covered by Article 2(2) of the Agreement Between the Government of the Federal Republic of Germany and the Government of the United States of America Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, entered into force September 19, 1995 (the ‘Agreement’). In deciding such claims, the Commission shall be guided by the criteria applied by the Department of State in determining the validity and amount of the claims covered by and settled under Article 2(1) of the Agreement.

“(b) APPLICATION OF OTHER LAWS.—Except to the extent inconsistent with the provisions of this section, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et sec. [sic]), except for section 7(b) (22 U.S.C. 1626(b)), shall apply with respect to claims under this section. Any reference in such provisions to ‘this title’ [‘this subchapter’] shall be deemed to refer to those provisions and to this section.

“(c) CERTIFICATION AND PAYMENT.—

“(1) Not later than two years after the entry into force of the Agreement, the Commission shall certify to the Secretary of State, in writing, its determinations as to the validity and amount of the claims authorized for decision under subsection (a).

“(2) In the case of claims found to be compensable under subsection (a), the Commission shall certify the awards entered in the claims to the Secretary of the Treasury in accordance with section 5 of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1624). Such awards shall be paid in accordance with subsections (a) and (c)-(f) of section 7 of such title (22 U.S.C. 1626) out of a special fund established in accordance with section 8 of such title (22 U.S.C. 1627), following conclusion of the negotiations provided for in Article 2(2) of the Agreement.

“(d) CONFIDENTIALITY OF RECORDS.—Records pertaining to the claims received by the Commission pursuant to subsection (a) shall not be publicly disclosed and shall not be required to be disclosed pursuant to section 552 of title 5, United States Code.

“(e) SEPARABILITY.—If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section or the application of such provision to other persons or circumstances shall not be affected.”

§ 1644a. 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;

(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