

(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 continuously from the date that the loss occurred until the date of filing with the Commission.

(Mar. 10, 1950, ch. 54, title VII, § 704, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3535.)

§ 1645d. Claims based on ownership interest in or debt or other obligation owing by corporations or other legal entities

(a) Nationals of United States; charge on property

A claim under section 1645b of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States may not be considered. A claim under section 1645b 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 may be considered only if such debt or other obligation is a charge on property which has been nationalized, expropriated, or otherwise taken by Vietnam.

(b) Direct ownership

A claim under section 1645b of this title based upon a direct ownership interest in a corporation, association, or other entity may be considered, subject to the other provisions of this sub-

chapter, 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 1645b of this title based upon an indirect ownership interest in a corporation, association, or other entity may 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 or if, at the time of the loss, nationals of the United States in fact controlled the corporation, association, or entity, as determined by the Commission.

(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 the corporation, association, or other entity, with respect to which the claim is made, 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 VII, §705, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3535.)

§ 1645e. Offsets

In determining the amount of any claim under this subchapter, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses for which the claim is filed.

(Mar. 10, 1950, ch. 54, title VII, §706, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3536.)

§ 1645f. Certifications; assigned claims

(a) The Commission shall certify to each claimant who files a claim under this subchapter the amount determined by the Commission to be the loss 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 making that determination.

(b) In any case in which a claim under this subchapter is assigned by purchase before the Commission determines the amount due on that claim, the amount so determined shall not exceed the amount of actual consideration paid by the last such assignee.

(Mar. 10, 1950, ch. 54, title VII, §707, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3536.)

§ 1645g. Consolidated awards

With respect to any claim under section 1645b of this title which, at the time of the award, is vested in persons other than the person by whom the original loss was sustained, the Commission shall issue a consolidated award in favor of all claimants then entitled to the award, which award shall indicate the respective inter-

ests of such claimants in the award, and all such claimants shall participate, in proportion to their indicated interests, in any payments that may be made under this subchapter in all respects as if the award had been in favor of a single person.

(Mar. 10, 1950, ch. 54, title VII, §708, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3536.)

§ 1645h. Claims Fund; establishment; deductions

(a) The Secretary of the Treasury may establish in the Treasury of the United States the Claims Fund for the payment of unsatisfied claims of nationals of the United States against Vietnam, as authorized by this subchapter.

(b) The Secretary of the Treasury shall deduct from any amounts covered into the Claims Fund an amount equal to 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. The amounts so deducted shall be covered into the Treasury as miscellaneous receipts.

(Mar. 10, 1950, ch. 54, title VII, §709, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3536.)

§ 1645i. Award payment procedures

(a) Certification of amounts

The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to section 1645b of this title.

(b) Priority of payments

(1) Upon certification of each award made pursuant to section 1645b of this title, the Secretary of the Treasury shall, out of the sums covered into the Claims Fund, make payments on account of such awards as follows, and in the following order of priority:

(A) Payment in the amount of \$2,500 or the principal amount of the award, whichever is less.

(B) Thereafter, payments from time to time, in ratable proportions, on account of the unpaid balance of the principal amounts of all awards according to the proportions which the unpaid balance of such awards bear to the total amount in the Claims Fund available for distribution at the time such payments are made.

(2) After payment has been made in full of the principal amounts of all awards pursuant to paragraph (1), pro rata payments may be made on account of any interest that may be allowed on such awards.

(c) Regulations

Payments or applications for payments under subsection (b) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(Mar. 10, 1950, ch. 54, title VII, §710, as added Pub. L. 96-606, Dec. 28, 1980, 94 Stat. 3537.)

§ 1645j. Settlement period

The Commission shall complete its affairs in connection with the settlement of claims pursu-