

October 1, 1949, in the case of claims against the Chinese Communist regime, out of nationalization, expropriation, intervention, or other takings 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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,