

No. 32547

**GERMANY
and
UNITED NATIONS OF AMERICA**

**Agreement concerning the settlement of certain property
claims (with annex). Signed at Bonn on 13 May 1992**

Authentic texts: German and English.

Registered by Germany on 8 February 1996.

**ALLEMAGNE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif au règlement de certaines demandes de restitu-
tion de biens (avec annexe). Signé à Bonn le 13 mai 1992**

Textes authentiques : allemand et anglais.

Enregistré par l'Allemagne le 8 février 1996.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
UNITED STATES OF AMERICA CONCERNING THE SETTLE-
MENT OF CERTAIN PROPERTY CLAIMS

The Government of the Federal Republic of Germany
and

the Government of the United States of America

have agreed as follows:

Article 1

This agreement shall cover claims of nationals of the United States (including natural and juridical persons) arising from any nationalization, expropriation, intervention, or other taking of, or special measures directed against, property of nationals of the United States before October 18, 1976, covered by the United States German Democratic Republic Claims Program established by United States Public Law 94-542 of October 18, 1976 (the "United States Program").

Article 2

1. In settlement of claims covered by article 1 in accordance with this agreement, the Government of the United States and the Government of the Federal Republic of Germany agree on a settlement amount of U.S. \$ 190 million (one hundred ninety million United States dollars) (the "settlement amount").

2. The final amount to be transferred by the Government of the Federal Republic of Germany to the Government of the United States (the "final transfer amount") shall be the settlement amount minus the offset amount and any amount determined pursuant to paragraph 7. Upon the entry into force of this agreement, the Government of the Federal Republic of Germany shall make an interim payment of U.S. \$ 160 million (one hundred sixty million United States dollars) on account of the final transfer amount. The final transfer amount shall be determined according to the provisions of this agreement.

3. In the event that the final transfer amount is less than U.S. \$ 160 million, the Government of the United States shall repay the

¹ Came into force on 28 December 1992, the date of receipt of the last of the notifications by which the Contracting Parties informed each other of the completion of the domestic requirements, in accordance with article 4.

surplus amount to the Government of the Federal Republic of Germany within two months after determination of the final transfer amount.

4. In the event that the final transfer amount exceeds U.S. \$ 160 million, the Government of the Federal Republic of Germany shall pay the difference, up to an amount of U.S. \$ 30 million (thirty million United States dollars), to the Government of the United States within two months after determination of the final transfer amount.

5. The "offset amount" shall be the sum of:

- (a) the amounts that would have been received under the United States Program by persons who elect or are deemed to have elected pursuant to article 3 to pursue domestic remedies in the Federal Republic of Germany, and
- (b) amounts the Federal Republic of Germany documents that it has paid under the Act Governing the Equalization of Burdens ("Lastenausgleichsgesetz") or other German provisions to United States nationals for those properties for which such nationals elect or are deemed to have elected pursuant to article 3 to receive a portion of the settlement amount, to the extent that such payments have not already been taken into account in an award issued under the United States Program.

6. Within six months after the Government of the United States notifies the Government of the Federal Republic of Germany of the offset amount, the Government of the Federal Republic of Germany and the Government of the United States shall determine the final transfer amount in accordance with this agreement. The United States shall not thereafter espouse claims covered by article 1.

7. If, after the Government of the United States notifies the Government of the Federal Republic of Germany of the offset amount but before the final transfer amount is determined, the Government of the Federal Republic of Germany documents to the Government of the United States that it has provided restitution or compensation to a United States national under the Law Regulating Open Property Issues („Gesetz zur Regelung offener Vermögensfragen") or subsequent provisions for those properties for which such national has elected or been deemed to have elected to receive a portion of the settlement amount pursuant to article 3, the transfer amount shall be reduced by that national's portion of the compensation attributable to those properties under the United States Program.