

105TH CONGRESS
1ST SESSION

S. 1390

To provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 1997

Mr. D'AMATO introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Holocaust Victims Re-
5 dress Act”.

6 **TITLE I—HEIRLESS ASSETS**

7 **SEC. 101. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—The Congress finds as follows:

1 (1) Among the \$198,000,000 in German assets
2 located in the United States and seized by the Unit-
3 ed States Government in World War II were believed
4 to be bank accounts, trusts, securities, or other as-
5 sets belonging to Jewish victims of the Holocaust.

6 (2) Among an estimated \$1,200,000,000 in as-
7 sets of Swiss nationals and institutions which were
8 frozen by the United States Government during
9 World War II (including over \$400,000,000 in bank
10 deposits) were assets whose beneficial owners were
11 believed to include victims of the Holocaust.

12 (3) In the aftermath of the war, the Congress
13 recognized that some of the victims of the Holocaust
14 whose assets were among those seized or frozen dur-
15 ing the war might not have any legal heirs, and leg-
16 islation was enacted to authorize the transfer of up
17 to \$3,000,000 of such assets to organizations dedi-
18 cated to providing relief and rehabilitation for survi-
19 vors of the Holocaust.

20 (4) Although the Congress and the Administra-
21 tion authorized the transfer of such amount to the
22 relief organizations referred to in paragraph (3), the
23 enormous administrative difficulties and cost in-
24 volved in proving legal ownership of such assets, di-
25 rectly or beneficially, by victims of the Holocaust,

1 and proving the existence or absence of heirs of such
2 victims, led the Congress in 1962 to agree to a
3 lump-sum settlement and to provide \$500,000 for
4 the Jewish Restitution Successor Organization of
5 New York, such sum amounting to 1/6th of the au-
6 thorized maximum level of “heirless” assets to be
7 transferred.

8 (5) In June of 1997, a representative of the
9 Secretary of State, in testimony before the Congress,
10 urged the reconsideration of the limited \$500,000
11 settlement.

12 (6) While a precisely accurate accounting of
13 “heirless” assets may be impossible, good conscience
14 warrants the recognition that the victims of the Hol-
15 ocaust have a compelling moral claim to the
16 unrestituted portion of assets referred to in para-
17 graph (3).

18 (7) Furthermore, leadership by the United
19 States in meeting obligations to Holocaust victims
20 would strengthen—

21 (A) the efforts of the United States to
22 press for the speedy distribution of the remain-
23 ing nearly 6 metric tons of gold still held by the
24 Tripartite Commission for the Restitution of
25 Monetary Gold (the body established by France,

1 Great Britain, and the United States at the end
2 of World War II to return gold looted by Nazi
3 Germany to the central banks of countries occu-
4 pied by Germany during the war); and

5 (B) the appeals by the United States to
6 the 15 nations claiming a portion of such gold
7 to contribute a substantial portion of any such
8 distribution to Holocaust survivors in recogni-
9 tion of the recently documented fact that the
10 gold held by the Commission includes gold sto-
11 len from individual victims of the Holocaust.

12 (b) PURPOSES.—The purposes of this Act are as fol-
13 lows:

14 (1) To provide a measure of justice to survivors
15 of the Holocaust all around the world while they are
16 still alive.

17 (2) To authorize the appropriation of an
18 amount which is at least equal to the present value
19 of the difference between the amount which was au-
20 thorized to be transferred to successor organizations
21 to compensate for assets in the United States of
22 heirless victims of the Holocaust and the amount ac-
23 tually paid in 1962 to the Jewish Restitution Suc-
24 cessor Organization of New York for that purpose.

1 exceed \$30,000,000 for distribution in accordance
2 with subsections (a) and (b).

3 (2) CONFORMANCE WITH BUDGET ACT RE-
4 QUIREMENT.—Any budget authority contained in
5 paragraph (1) shall be effective only to such extent
6 and in such amounts as are provided in advance in
7 appropriation Acts.

8 **SEC. 103. FULFILLMENT OF OBLIGATION OF THE UNITED**
9 **STATES.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the President such
12 sums as may be necessary for fiscal years 1998, 1999,
13 and 2000, not to exceed a total of \$25,000,000 for all
14 such fiscal years, for distribution to organizations as may
15 be specified in any agreement concluded pursuant to sec-
16 tion 102, only if the organizations meet the needs of Holo-
17 caust survivors in the United States.

18 (b) ARCHIVAL RESEARCH.—There are authorized to
19 be appropriated to the President \$5,000,000 for archival
20 research and translation services to assist in the restitu-
21 tion of assets looted or extorted from victims of the Holo-
22 caust and such other activities that would further Holo-
23 caust remembrance and education.

1 **TITLE II—WORKS OF ART**

2 **SEC. 201. FINDINGS.**

3 Congress finds as follows:

4 (1) Established pre-World War II principles of
5 international law, as enunciated in Articles 47 and
6 56 of the Regulations annexed to the 1907 Hague
7 Convention (IV) Respecting the Laws and Customs
8 of War on Land, prohibited pillage and the seizure
9 of works of art.

10 (2) In the years since World War II, inter-
11 national sanctions against confiscation of works of
12 art have been amplified through such conventions as
13 the 1970 Convention on the Means of Prohibiting
14 and Preventing the Illicit Import, Export and Trans-
15 fer of Ownership of Cultural Property, which forbids
16 the illegal export of art work and calls for its earliest
17 possible restitution to its rightful owner.

18 (3) In defiance of the 1907 Hague Convention,
19 the Nazis extorted and looted art from individuals
20 and institutions in countries it occupied during
21 World War II and used such booty to help finance
22 their war of aggression.

23 (4) The Nazis' policy of looting art was a criti-
24 cal element and incentive in their campaign of geno-
25 cide against individuals of Jewish and other religious

1 and cultural heritage and, in this context, the Holo-
2 caust, while standing as a civil war against defined
3 individuals and civilized values, must be considered
4 a fundamental aspect of the world war unleashed on
5 the continent.

6 (5) Hence, the same international legal prin-
7 ciples applied among states should be applied to art
8 and other assets stolen from victims of the Holo-
9 caust.

10 (6) In the aftermath of the war, art and other
11 assets were transferred from territory previously
12 controlled by the Nazis to the Union of Soviet So-
13 cialist Republics, much of which has not been re-
14 turned to rightful owners.

15 **SEC. 202. SENSE OF THE CONGRESS REGARDING RESTITU-**
16 **TION OF PRIVATE PROPERTY, SUCH AS**
17 **WORKS OF ART.**

18 It is the sense of the Congress that consistent with
19 the 1907 Hague Convention, all governments should un-
20 dertake good faith efforts to facilitate the return of private
21 and public property, such as works of art, to the rightful
22 owners in cases where assets were confiscated from the
23 claimant during the period of Nazi rule and there is rea-
24 sonable proof that the claimant is the rightful owner.

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