

105TH CONGRESS  
2D SESSION

# S. 1900

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## AN ACT

To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, 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 “U.S. Holocaust Assets  
5 Commission Act of 1998”.

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1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a Presi-  
3 dential Commission, to be known as the “Presidential Ad-  
4 visory Commission on Holocaust Assets in the United  
5 States” (hereafter in this Act referred to as the “Commis-  
6 sion”).

7 (b) MEMBERSHIP.—

8 (1) NUMBER.—The Commission shall be com-  
9 posed of 21 members, appointed in accordance with  
10 paragraph (2).

11 (2) APPOINTMENTS.—Of the 21 members of  
12 the Commission—

13 (A) 9 shall be private citizens, appointed  
14 by the President;

15 (B) 3 shall be representatives of the De-  
16 partment of State, the Department of Justice,  
17 and the Department of the Treasury (1 rep-  
18 resentative of each such Department), ap-  
19 pointed by the President;

20 (C) 2 shall be Members of the House of  
21 Representatives, appointed by the Speaker of  
22 the House of Representatives;

23 (D) 2 shall be Members of the House of  
24 Representatives, appointed by the Minority  
25 Leader of the House of Representatives;

1 (E) 2 shall be Members of the Senate, ap-  
2 pointed by the Majority Leader of the Senate;

3 (F) 2 shall be Members of the Senate, ap-  
4 pointed by the Minority Leader of the Senate;  
5 and

6 (G) 1 shall be the Chairperson of the  
7 United States Holocaust Memorial Council.

8 (3) CRITERIA FOR MEMBERSHIP.—Each private  
9 citizen appointed to the Commission shall be an indi-  
10 vidual who has a record of demonstrated leadership  
11 on issues relating to the Holocaust or in the fields  
12 of commerce, culture, or education that would assist  
13 the Commission in analyzing the disposition of the  
14 assets of Holocaust victims.

15 (4) ADVISORY PANELS.—The Chairperson of  
16 the Commission may, in the discretion of the Chair-  
17 person, establish advisory panels to the Commission,  
18 including State or local officials, representatives of  
19 organizations having an interest in the work of the  
20 Commission, or others having expertise that is rel-  
21 evant to the purposes of the Commission.

22 (5) DATE.—The appointments of the members  
23 of the Commission shall be made not later than 90  
24 days after the date of enactment of this Act.

1 (c) CHAIRPERSON.—The Chairperson of the Commis-  
2 sion shall be selected by the President from among the  
3 members of the Commission appointed under subpara-  
4 graph (A) or (B) of subsection (b)(2).

5 (d) PERIOD OF APPOINTMENT.—Members of the  
6 Commission shall be appointed for the life of the Commis-  
7 sion.

8 (e) VACANCIES.—Any vacancy in the membership of  
9 the Commission shall not affect its powers, but shall be  
10 filled in the same manner as the original appointment.

11 (f) MEETINGS.—The Commission shall meet at the  
12 call of the Chairperson at any time after the date of ap-  
13 pointment of the Chairperson.

14 (g) QUORUM.—Eleven of the members of the Com-  
15 mission shall constitute a quorum, but a lesser number  
16 of members may hold meetings.

17 **SEC. 3. DUTIES OF THE COMMISSION.**

18 (a) ORIGINAL RESEARCH.—

19 (1) IN GENERAL.—Except as otherwise pro-  
20 vided in paragraph (3), the Commission shall con-  
21 duct a thorough study and develop an historical  
22 record of the collection and disposition of the assets  
23 described in paragraph (2), if such assets came into  
24 the possession or control of the Federal Government,  
25 including the Board of Governors of the Federal Re-

1 serve System or any Federal reserve bank, at any  
2 time after January 30, 1933—

3 (A) after having been obtained from vic-  
4 tims of the Holocaust by, on behalf of, or under  
5 authority of a government referred to in sub-  
6 section (c);

7 (B) because such assets were left un-  
8 claimed as the result of actions taken by, on be-  
9 half of, or under authority of a government re-  
10 ferred to in subsection (c); or

11 (C) in the case of assets consisting of gold  
12 bullion, monetary gold, or similar assets, after  
13 such assets had been obtained by the Nazi gov-  
14 ernment of Germany from the central bank or  
15 other governmental treasury in any area occu-  
16 pied by the military forces of the Nazi govern-  
17 ment of Germany.

18 (2) TYPES OF ASSETS.—Assets described in  
19 this paragraph include—

20 (A) gold;

21 (B) gems, jewelry, and non-gold precious  
22 metals;

23 (C) accounts in banks in the United  
24 States;

1 (D) domestic financial instruments pur-  
2 chased before May 8, 1945 by individual victims  
3 of the Holocaust, whether recorded in the name  
4 of the victim or in the name of a nominee;

5 (E) insurance policies and proceeds there-  
6 of;

7 (F) real estate situated in the United  
8 States;

9 (G) works of art; and

10 (H) books, manuscripts, and religious ob-  
11 jects.

12 (3) COORDINATION OF ACTIVITIES.—In carry-  
13 ing out its duties under paragraph (1), the Commis-  
14 sion shall, to the maximum extent practicable, co-  
15 ordinate its activities with, and not duplicate similar  
16 activities already or being undertaken by, private in-  
17 dividuals, private entities, or government entities,  
18 whether domestic or foreign.

19 (b) COMPREHENSIVE REVIEW OF OTHER RE-  
20 SEARCH.—Upon request by the Commission and permis-  
21 sion by the relevant individuals or entities, the Commis-  
22 sion shall review comprehensively research by private indi-  
23 viduals, private entities, and non-Federal government enti-  
24 ties, whether domestic or foreign, into the collection and  
25 disposition of the assets described in subsection (a)(2), to

1 the extent that such research focuses on assets that came  
2 into the possession or control of private individuals, pri-  
3 vate entities, or non-Federal government entities within  
4 the United States at any time after January 30, 1933,  
5 either—

6 (1) after having been obtained from victims of  
7 the Holocaust by, on behalf of, or under authority  
8 of a government referred to in subsection (c); or

9 (2) because such assets were left unclaimed as  
10 the result of actions taken by, on behalf of, or under  
11 authority of a government referred to in subsection  
12 (c).

13 (c) GOVERNMENTS INCLUDED.—A government re-  
14 ferred to in this subsection includes, as in existence during  
15 the period beginning on March 23, 1933, and ending on  
16 May 8, 1945—

17 (1) the Nazi government of Germany;

18 (2) any government in any area occupied by the  
19 military forces of the Nazi government of Germany;

20 (3) any government established with the assist-  
21 ance or cooperation of the Nazi government of Ger-  
22 many; and

23 (4) any government which was an ally of the  
24 Nazi government of Germany.

25 (d) REPORTS.—

1           (1) SUBMISSION TO THE PRESIDENT.—Not  
2 later than December 31, 1999, the Commission shall  
3 submit a final report to the President that shall con-  
4 tain any recommendations for such legislative, ad-  
5 ministrative, or other action as it deems necessary or  
6 appropriate. The Commission may submit interim  
7 reports to the President as it deems appropriate.

8           (2) SUBMISSION TO THE CONGRESS.—After re-  
9 ceipt of the final report under paragraph (1), the  
10 President shall submit to the Congress any rec-  
11 ommendations for legislative, administrative, or  
12 other action that the President considers necessary  
13 or appropriate.

14 **SEC. 4. POWERS OF THE COMMISSION.**

15       (a) HEARINGS.—The Commission may hold such  
16 hearings, sit and act at such times and places, take such  
17 testimony, and receive such evidence as the Commission  
18 considers advisable to carry out this Act.

19       (b) INFORMATION FROM FEDERAL AGENCIES.—The  
20 Commission may secure directly from any Federal depart-  
21 ment or agency such information as the Commission con-  
22 siders necessary to carry out this Act. Upon request of  
23 the Chairperson of the Commission, the head of any such  
24 department or agency shall furnish such information to  
25 the Commission as expeditiously as possible.

1           (c) **POSTAL SERVICES.**—The Commission may use  
2 the United States mails in the same manner and under  
3 the same conditions as other departments and agencies of  
4 the Federal Government.

5           (d) **GIFTS.**—The Commission may accept, use, and  
6 dispose of gifts or donations of services or property.

7 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

8           (a) **COMPENSATION.**—No member of the Commission  
9 who is a private citizen shall be compensated for service  
10 on the Commission. All members of the Commission who  
11 are officers or employees of the United States shall serve  
12 without compensation in addition to that received for their  
13 services as officers or employees of the United States.

14           (b) **TRAVEL EXPENSES.**—The members of the Com-  
15 mission shall be allowed travel expenses, including per  
16 diem in lieu of subsistence, at rates authorized for employ-  
17 ees of agencies under subchapter I of chapter 57 of title  
18 5, United States Code, while away from their homes or  
19 regular places of business in the performance of services  
20 for the Commission.

21           (c) **EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DI-**  
22 **RECTOR, GENERAL COUNSEL, AND OTHER STAFF.**—

23                   (1) **IN GENERAL.**—Not later than 90 days after  
24 the selection of the Chairperson of the Commission  
25 under section 2, the Chairperson shall, without re-

1       gard to the civil service laws and regulations, ap-  
2       point an executive director, a deputy executive direc-  
3       tor, and a general counsel of the Commission, and  
4       such other additional personnel as may be necessary  
5       to enable the Commission to perform its duties  
6       under this Act.

7               (2) QUALIFICATIONS.—The executive director,  
8       deputy executive director, and general counsel of the  
9       Commission shall be appointed without regard to po-  
10      litical affiliation, and shall possess all necessary se-  
11      curity clearances for such positions.

12              (3) DUTIES OF EXECUTIVE DIRECTOR.—The  
13      executive director of the Commission shall—

14              (A) serve as principal liaison between the  
15      Commission and other Government entities;

16              (B) be responsible for the administration  
17      and coordination of the review of records by the  
18      Commission; and

19              (C) be responsible for coordinating all offi-  
20      cial activities of the Commission.

21              (4) COMPENSATION.—The Chairperson of the  
22      Commission may fix the compensation of the execu-  
23      tive director, deputy executive director, general coun-  
24      sel, and other personnel employed by the Commis-  
25      sion, without regard to the provisions of chapter 51

1 and subchapter III of chapter 53 of title 5, United  
2 States Code, relating to classification of positions  
3 and General Schedule pay rates, except that—

4 (A) the rate of pay for the executive direc-  
5 tor of the Commission may not exceed the rate  
6 payable for level III of the Executive Schedule  
7 under section 5314 of title 5, United States  
8 Code; and

9 (B) the rate of pay for the deputy execu-  
10 tive director, the general counsel of the Com-  
11 mission, and other Commission personnel may  
12 not exceed the rate payable for level IV of the  
13 Executive Schedule under section 5315 of title  
14 5, United States Code.

15 (5) EMPLOYEE BENEFITS.—

16 (A) IN GENERAL.—An employee of the  
17 Commission shall be an employee for purposes  
18 of chapters 84, 85, 87, and 89 of title 5, United  
19 States Code, and service as an employee of the  
20 Commission shall be service for purposes of  
21 such chapters.

22 (B) NONAPPLICATION TO MEMBERS.—This  
23 paragraph shall not apply to a member of the  
24 Commission.

1           (6) OFFICE OF PERSONNEL MANAGEMENT.—

2           The Office of Personnel Management—

3                   (A) may promulgate regulations to apply  
4           the provisions referred to under subsection (a)  
5           to employees of the Commission; and

6                   (B) shall provide support services relating  
7           to—

8                           (i) the initial employment of employ-  
9                           ees of the Commission; and

10                           (ii) other personnel needs of the Com-  
11                           mission.

12           (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
13           Federal Government employee may be detailed to the  
14           Commission without reimbursement to the agency of that  
15           employee, and such detail shall be without interruption or  
16           loss of civil service status or privilege.

17           (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
18           TENT SERVICES.—The Chairperson of the Commission  
19           may procure temporary and intermittent services under  
20           section 3109(b) of title 5, United States Code, at rates  
21           for individuals which do not exceed the daily equivalent  
22           of the annual rate of basic pay prescribed for level V of  
23           the Executive Schedule under section 5316 of such title.

1 (f) STAFF QUALIFICATIONS.—Any person appointed  
2 to the staff of or employed by the Commission shall be  
3 an individual of integrity and impartiality.

4 (g) CONDITIONAL EMPLOYMENT.—

5 (1) IN GENERAL.—The Commission may offer  
6 employment on a conditional basis to a prospective  
7 employee pending the completion of any necessary  
8 security clearance background investigation. During  
9 the pendency of any such investigation, the Commis-  
10 sion shall ensure that such conditional employee is  
11 not given and does not have access to or responsibil-  
12 ity involving classified or otherwise restricted mate-  
13 rial.

14 (2) TERMINATION.—If a person hired on a con-  
15 ditional basis as described in paragraph (1) is denied  
16 or otherwise does not qualify for all security clear-  
17 ances necessary for the fulfillment of the responsibil-  
18 ities of that person as an employee of the Commis-  
19 sion, the Commission shall immediately terminate  
20 the employment of that person with the Commission.

21 (h) EXPEDITED SECURITY CLEARANCE PROCE-  
22 DURES.—A candidate for executive director or deputy ex-  
23 ecutive director of the Commission and any potential em-  
24 ployee of the Commission shall, to the maximum extent  
25 possible, be investigated or otherwise evaluated for and

1 granted, if applicable, any necessary security clearances  
2 on an expedited basis.

3 **SEC. 6. SUPPORT SERVICES.**

4 During the 180-day period following the date of en-  
5 actment of this Act, the General Services Administration  
6 shall provide administrative support services (including of-  
7 fices and equipment) for the Commission.

8 **SEC. 7. TERMINATION OF THE COMMISSION.**

9 The Commission shall terminate 90 days after the  
10 date on which the Commission submits its final report  
11 under section 3.

12 **SEC. 8. MISCELLANEOUS PROVISIONS.**

13 (a) **INAPPLICABILITY OF FACCA.**—The Federal Advi-  
14 sory Committee Act (5 U.S.C. App.) does not apply to the  
15 Commission.

16 (b) **PUBLIC ATTENDANCE.**—To the maximum extent  
17 practicable, each meeting of the Commission shall be open  
18 to members of the public.

19 **SEC. 9. FUNDING OF COMMISSION.**

20 Notwithstanding section 1346 of title 31, United  
21 States Code, or section 611 of the Treasury and General  
22 Government Appropriations Act, 1998, of funds made  
23 available for fiscal years 1998 and 1999 to the Depart-  
24 ments of Justice, State, and any other appropriate agency  
25 that are otherwise unobligated, not more than \$3,500,000

1 shall be available for the interagency funding of activities  
2 of the Commission under this Act. Funds made available  
3 to the Commission pursuant to this section shall remain  
4 available for obligation until December 31, 1999.

Passed the Senate May 1, 1998.

Attest:

*Secretary.*

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

## **S. 1900**

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### **AN ACT**

To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.