

106TH CONGRESS  
1ST SESSION

# H. R. 2781

To amend the International Claims Settlement Act of 1949 to provide for the settlement of claims relating to American victims of National Socialist persecution.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. PALLONE (for himself, Mr. ENGEL, Mr. LANTOS, Ms. SLAUGHTER, Mr. WEXLER, and Mr. GEJDENSON) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To amend the International Claims Settlement Act of 1949 to provide for the settlement of claims relating to American victims of National Socialist persecution.

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. CLAIMS RELATING TO AMERICAN VICTIMS OF**  
4 **NATIONAL SOCIALIST PERSECUTION.**

5 The International Claims Settlement Act of 1949 (22  
6 U.S.C. 1621 and following) is amended by adding at the  
7 end the following:

1 **“TITLE VIII—CLAIMS RELATING**  
2 **TO AMERICAN VICTIMS OF**  
3 **NATIONAL SOCIALIST PERSE-**  
4 **CUTION**

5 **“SEC. 801. DETERMINATION OF CLAIMS.**

6       “(a) IN GENERAL.—The Commission shall receive  
7 and determine the validity and amount of any claim for  
8 damages arising from National Socialist persecution that  
9 would be actionable in the courts of the United States or  
10 of the States under section 1605(a)(7) of title 28, United  
11 States Code, but for subparagraph (A) of such section,  
12 or under section 589 of the Foreign Operations, Export  
13 Financing, and Related Programs Appropriations Act,  
14 1997 (as contained in Public Law 104–208; 110 Stat.  
15 3009–172), but for the fact that the foreign state con-  
16 cerned was not designated as a state sponsor of terrorism  
17 under section 6(j) of the Export Administration Act of  
18 1979. In a claim brought under this subsection—

19               “(1) the requirement set forth in clause (i) of  
20 section 1605(a)(7)(B) of title 28, United States  
21 Code, relating to arbitration, does not apply, but the  
22 requirement set forth in clause (ii) of that section  
23 that the claimant or the victim be a national of the  
24 United States does apply; and

1           “(2) the claimant is entitled to damages to the  
2           same extent as if the claim had been brought in  
3           court.

4           “(b) PROCEDURES.—(1) The Commission shall es-  
5           tablish procedures for conducting proceedings under sub-  
6           section (a), including with respect to the manner in which  
7           claimants are to bring their claims before the Commission.

8           “(2) Only the provisions of subsections (c), (d), and  
9           (e) of section 4 of this Act (22 U.S.C. 1623 (c), (d), (e))  
10          shall apply to this section, and those provisions shall apply  
11          to the same extent as those provisions apply to claims  
12          under title I.

13          “(3) Except as otherwise provided in this section and  
14          in those provisions referred to in paragraph (2), the provi-  
15          sions of subchapter II of chapter 5, and of chapter 7, of  
16          title 5, United States Code, shall apply to the actions of  
17          the Commission under this section.

18          “(c) TIME LIMIT FOR BRINGING CLAIMS.—(1) The  
19          time limit for bringing claims under section 1605(a)(7)  
20          of title 28, United States Code, shall apply to bringing  
21          claims under this section.

22          “(2) No claim for damages otherwise actionable  
23          under this section shall be denied based on any failure of  
24          a claimant to submit a timely claim under this subsection  
25          unless the United States demonstrates that the claimant

1 received actual notice of the claims program under which  
2 the claimant applies and failed to submit a timely claim.

3 “(d) LIMITATION ON DISCOVERY.—Section 1605(g)  
4 of title 28, United States Code, shall apply to the Commis-  
5 sion, with respect to any request, demand, order, or sub-  
6 poena for information from the United States, to the same  
7 extent as such section applies to any request, demand, or  
8 order for discovery in the United States.

9 “(e) APPEAL OF COMMISSION DETERMINATION.—A  
10 claimant may appeal the determination of the Commission  
11 under this section on the claim to the United States Court  
12 of Appeals for the District of Columbia Circuit within 30  
13 days after the Commission’s determination is issued. The  
14 court of appeals may render an opinion and judgment and  
15 remand the case for further action by the Commission,  
16 with such direction as the court considers just and proper.

17 “(f) ROLE OF SECRETARY OF STATE.—The Commis-  
18 sion shall notify the Secretary of State of the amount of  
19 each claim awarded under this section. Upon receipt of  
20 notification of a claim, the Secretary of State shall take  
21 the necessary steps to negotiate with the foreign state con-  
22 cerned for payment of substantially the same amount as  
23 specified in the Commission’s determination of the  
24 claim.”.

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