

Calendar No. 79

111TH CONGRESS
1ST SESSION

S. RES. 153

Expressing the sense of the Senate on the restitution of or compensation
for property seized during the Nazi and Communist eras.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2009

Mr. NELSON of Florida (for himself, Mr. CARDIN, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Foreign Relations

JUNE 16, 2009

Ordered reported by Mr. KERRY without amendment

RESOLUTION

Expressing the sense of the Senate on the restitution of
or compensation for property seized during the Nazi
and Communist eras.

Whereas many Eastern European countries were dominated
for parts of the last century by Nazi or Communist regimes,
without the consent of their people;

Whereas victims under the Nazi regime included individuals
persecuted or targeted for persecution by the Nazi or
Nazi-allied governments based on their religious, ethnic,
or cultural identity, as well as their political beliefs, sexual
orientation, or disability;

Whereas the Nazi regime and the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property belonging to the victims of Nazi persecution, including real property, personal property, and financial assets;

Whereas communal and religious property was an early target of the Nazi regime and, by expropriating churches, synagogues and other community-controlled property, the Nazis denied religious communities the temporal facilities that held those communities together;

Whereas after World War II, Communist regimes expanded the systematic expropriation of communal and religious property in an effort to eliminate the influence of religion;

Whereas many insurance companies that issued policies in pre-World War II Eastern Europe were nationalized or had their subsidiary assets nationalized by Communist regimes;

Whereas such nationalized companies and those with nationalized subsidiaries have generally not paid the proceeds or compensation due on pre-war policies, because control of those companies or their Eastern European subsidiaries had passed to their respective governments;

Whereas Eastern European countries involved in these nationalizations have not participated in a compensation process for Holocaust-era insurance policies for victims of Nazi persecution;

Whereas the protection of and respect for private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards;

Whereas in July 2001, the Paris Declaration of the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating states;

Whereas the OSCE participating states have agreed to achieve or maintain full recognition and protection of all types of property, including private property and the right to prompt, just, and effective compensation for private property that is taken for public use;

Whereas the OSCE Parliamentary Assembly has called on the participating states to ensure that they implement appropriate legislation to secure the restitution of or compensation for property losses of victims of Nazi persecution, including communal organizations and institutions, irrespective of the current citizenship or place of residence of the victims, their heirs, or the relevant successors to communal property;

Whereas Congress passed resolutions in the 104th and 105th Congresses that emphasized the longstanding support of the United States for the restitution of or compensation for property wrongly confiscated during the Nazi and Communist eras;

Whereas certain post-Communist countries in Europe have taken steps toward compensating victims of Nazi persecution whose property was confiscated by the Nazis or their allies and collaborators during World War II or subsequently seized by Communist governments;

Whereas at the 1998 Washington Conference on Holocaust-Era Assets, 44 countries adopted the Principles on Nazi-Confiscated Art to guide the restitution of looted artwork and cultural property;

Whereas the Government of Lithuania has promised to adopt an effective legal framework to provide for the restitution of or compensation for wrongly confiscated communal property, but so far has not done so;

Whereas successive governments in Poland have promised to adopt an effective general property compensation law, but the current government has yet to adopt one;

Whereas the legislation providing for the restitution of or compensation for wrongly confiscated property in Europe has, in various instances, not always been implemented in an effective, transparent, and timely manner;

Whereas such legislation is of the utmost importance in returning or compensating property wrongfully seized by totalitarian or authoritarian governments to its rightful owners;

Whereas compensation and restitution programs can never bring back to Holocaust survivors what was taken from them, or in any way make up for their suffering; and

Whereas there are Holocaust survivors, now in the twilight of their lives, who are impoverished and in urgent need of assistance, lacking the resources to support basic needs,

including adequate shelter, food, or medical care: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) appreciates the efforts of those European
3 countries that have enacted legislation for the res-
4 titution of or compensation for private, communal,
5 and religious property wrongly confiscated during
6 the Nazi or Communist eras, and urges each of
7 those countries to ensure that the legislation is effec-
8 tively and justly implemented;

9 (2) welcomes the efforts of many post-Com-
10 munist countries to address the complex and dif-
11 ficult question of the status of confiscated prop-
12 erties, and urges those countries to ensure that their
13 restitution or compensation programs are imple-
14 mented in a timely, non-discriminatory manner;

15 (3) urges the Government of Poland and the
16 governments of other countries in Europe that have
17 not already done so to immediately enact fair, com-
18 prehensive, non-discriminatory, and just legislation
19 so that victims of Nazi persecution (or the heirs or
20 successors of such persons) who had their private
21 property looted and wrongly confiscated by the
22 Nazis during World War II and subsequently seized
23 by a Communist government are able to obtain ei-

1 ther restitution of their property or, where restitu-
2 tion is not possible, fair compensation;

3 (4) urges the Government of Lithuania and the
4 governments of other countries in Europe that have
5 not already done so to immediately enact fair, com-
6 prehensive, non-discriminatory, and just legislation
7 so that communities that had communal and reli-
8 gious property looted and wrongly confiscated by the
9 Nazis during World War II and subsequently seized
10 by a Communist government (or the relevant succes-
11 sors to such property or the relevant foundations)
12 are able to obtain either restitution of their property
13 or, where restitution is not possible, fair compensa-
14 tion;

15 (5) urges the countries of Europe which have
16 not already done so to ensure that all such restitu-
17 tion and compensation legislation is established in
18 accordance with principles of justice and provides a
19 simple, transparent, and prompt process, so that it
20 results in a tangible benefit to those surviving vic-
21 tims of Nazi persecution who suffered from the un-
22 just confiscation of their property, many of whom
23 are well into their senior years;

24 (6) calls on the President and the Secretary of
25 State to engage in an open dialogue with leaders of

1 those countries that have not already enacted such
2 legislation to support the adoption of legislation re-
3 quiring the fair, comprehensive, and nondiscrim-
4 inatory restitution of or compensation for private,
5 communal, and religious property that was seized
6 and confiscated during the Nazi and Communist
7 eras; and

8 (7) welcomes the decision by the Government of
9 the Czech Republic to host in June 2009 an inter-
10 national conference for governments and non-govern-
11 mental organizations to continue the work done at
12 the 1998 Washington Conference on Holocaust-Era
13 Assets, which will—

14 (A) address the issues of restitution of or
15 compensation for real property, personal prop-
16 erty (including art and cultural property), and
17 financial assets wrongfully confiscated by the
18 Nazis or their allies and collaborators and sub-
19 sequently wrongfully confiscated by Communist
20 regimes;

21 (B) review issues related to the opening of
22 archives and the work of historical commissions,
23 review progress made, and focus on the next
24 steps required on these issues; and

- 1 (C) examine social welfare issues related to
- 2 the needs of Holocaust survivors, and identify
- 3 methods and resources to meet to such needs.

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