

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.

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## 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

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## 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 United  
3           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           (3) To facilitate efforts by the United States to  
2       seek an agreement whereby nations with claims  
3       against gold held by the Tripartite Commission for  
4       the Restitution of Monetary Gold would contribute  
5       all, or a substantial portion, of that gold to chari-  
6       table organizations to assist survivors of the Holo-  
7       caust.

8   **SEC. 102. DISTRIBUTIONS BY THE TRIPARTITE GOLD COM-**  
9                           **MISSION.**

10       (a) DIRECTIONS TO THE PRESIDENT.—The Presi-  
11   dent shall direct the commissioner representing the United  
12   States on the Tripartite Commission for the Restitution  
13   of Monetary Gold, established pursuant to Part III of the  
14   Paris Agreement on Reparation, to seek and vote for a  
15   timely agreement under which all signatories to the Paris  
16   Agreement on Reparation, with claims against the mone-  
17   tary gold pool in the jurisdiction of such Commission, con-  
18   tribute all, or a substantial portion, of such gold to chari-  
19   table organizations to assist survivors of the Holocaust.

20       (b) AUTHORITY TO OBLIGATE THE UNITED  
21   STATES.—

22           (1) IN GENERAL.—From funds otherwise unob-  
23   ligated in the Treasury of the United States, the  
24   President is authorized to obligate an amount not to

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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