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Calendar No. _____

115TH CONGRESS
1ST SESSION

S. 447

To require reporting on acts of certain foreign countries on Holocaust era assets and related issues.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2017

Ms. BALDWIN (for herself, Mr. RUBIO, Mr. BLUMENTHAL, Mr. CASEY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HATCH, Mr. JOHNSON, Mr. MARKEY, Mr. MCCAIN, Mr. PETERS, Mr. SCHUMER, Mr. THUNE, Ms. WARREN, Mr. BOOKER, Mr. MENENDEZ, Mr. YOUNG, Mr. SCOTT, Mr. COONS, Mr. GARDNER, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

DECEMBER _____ (legislative day, _____), 2017

Reported by Mr. CORKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To require reporting on acts of certain foreign countries on Holocaust era assets and related issues.

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 “Justice for Uncompen-~~
5 ~~sated Survivors Today (JUST) Act of 2017”.~~

1 **SEC. 2. ANNUAL REPORTING ON HOLOCAUST ERA ASSETS**
2 **AND RELATED ISSUES.**

3 (a) **IN GENERAL.**—For covered countries, the Sec-
4 retary of State shall annually include within either the rel-
5 evant Annual Country Report on Human Rights, the
6 International Religious Freedom Report, or other appro-
7 priate report as determined by the Secretary, an assess-
8 ment and description of the nature and extent of national
9 laws or enforceable policies regarding the identification
10 and the return of or restitution for wrongfully seized or
11 transferred Holocaust era assets and compliance with or
12 progress toward the goals and objectives of the 2009
13 Terezin Declaration on Holocaust Era Assets and Related
14 Issues, including—

15 (1) the return to the rightful owner of any
16 property, including religious or communal property,
17 that was wrongfully seized or transferred;

18 (2) if return of such property is no longer pos-
19 sible, the provision of comparable substitute property
20 or the payment of equitable compensation to the
21 rightful owner in accordance with principles of jus-
22 tice and through an expeditious claims-driven admin-
23 istrative process that is just, transparent, and fair;

24 (3) the use of the Washington Conference Prin-
25 ciples on Nazi-Confiscated Art, agreed to December
26 3, 1998, and the Terezin Declaration on Holocaust

1 Assets and Related Issues, agreed to June 30, 2009,
2 in settling all claims involving publically and pri-
3 vately held movable property;

4 (4) the restitution of heirless property to assist
5 needy Holocaust survivors, and for other purposes;

6 (5) the extent to which such laws and policies
7 are implemented and enforced in practice, including
8 through any applicable administrative or judicial
9 processes; and

10 (6) the mechanism for and demonstrable
11 progress on the resolution of claims for United
12 States citizen Holocaust survivors and United States
13 citizen family members of Holocaust victims.

14 (b) EFFECTIVE DATE OF INCLUSION.—

15 (1) INCLUSION IN ANNUAL COUNTRY REPORT
16 ON HUMAN RIGHTS OR INTERNATIONAL RELIGIOUS
17 FREEDOM REPORT.—If the Secretary of State in-
18 cludes the information required under subsection (a)
19 in the report required under section 116(d) of the
20 Foreign Assistance Act of 1961 (22 U.S.C.
21 2151n(d)) or the report required under section
22 102(b) of the International Religious Freedom Act
23 of 1998 (22 U.S.C. 6412(b)); the requirement to in-
24 clude such information shall apply beginning with

1 the first report submitted later than 180 days after
2 the date of the enactment of this Act.

3 ~~(2) INCLUSION IN OTHER DEPARTMENT OF~~
4 ~~STATE REPORT.—~~If the Secretary of State includes
5 the information required under subsection (a) in an
6 existing report of the Department of State other
7 than a report described in paragraph (1), the re-
8 quirement to include such information shall apply
9 beginning with the first report submitted later than
10 180 days after the date of the enactment of this Act.

11 ~~(3) INCLUSION IN NEW REPORT.—~~If the Sec-
12 retary of State includes the information required
13 under subsection (a) in a new report, the Secretary
14 shall submit such report not later than one year
15 after the date of the enactment of this Act.

16 ~~(c) DEFINITIONS.—~~In this section:

17 ~~(1) APPROPRIATE CONGRESSIONAL COMMIT-~~
18 ~~TEES.—~~The term “appropriate congressional com-
19 mittees” means—

20 ~~(A) the Committee on Foreign Relations~~
21 ~~and the Committee on Appropriations of the~~
22 ~~Senate; and~~

23 ~~(B) the Committee on Foreign Affairs and~~
24 ~~the Committees on Appropriations of the House~~
25 ~~of Representatives.~~

1 ~~(2) COVERED COUNTRIES.—~~The term “covered
2 countries” means signatories to the 2009 Terezin
3 Declaration on Holocaust Era Assets and Related
4 Issues that are determined by the Special Envoy for
5 Holocaust Issues, in consultation with expert non-
6 governmental organizations, to be countries of par-
7 ticular concern relative to the issues listed in sub-
8 section (a).

9 ~~(3) WRONGFULLY SEIZED OR TRANSFERRED.—~~
10 The term “wrongfully seized or transferred” in-
11 cludes confiscations, expropriations, nationalizations,
12 forced sales or transfers, and sales or transfers
13 under duress during the Holocaust era or the period
14 of Communist rule of a covered country.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Justice for Uncompen-*
17 *sated Survivors Today (JUST) Act of 2017”.*

18 **SEC. 2. REPORT ON HOLOCAUST ERA ASSETS AND RELATED**
19 **ISSUES.**

20 (a) *DEFINITIONS.—In this section:*

21 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
22 *TEES.—The term “appropriate congressional commit-*
23 *tees” means—*

24 (A) *the Committee on Foreign Relations of*
25 *the Senate;*

1 (B) the Committee on Appropriations of the
2 Senate;

3 (C) the Committee on Foreign Affairs of the
4 House of Representatives; and

5 (D) the Committee on Appropriations of the
6 House of Representatives.

7 (2) COVERED COUNTRIES.—The term “covered
8 countries” means participants in the 2009 Holocaust
9 Era Assets Conference that are determined by the Sec-
10 retary of State, or the Secretary’s designee, in con-
11 sultation with expert nongovernmental organizations,
12 to be countries of particular concern relative to the
13 issues listed in subsection (b).

14 (3) WRONGFULLY SEIZED OR TRANSFERRED.—
15 The term “wrongfully seized or transferred” includes
16 confiscations, expropriations, nationalizations, forced
17 sales or transfers, and sales or transfers under duress
18 during the Holocaust era or the period of Communist
19 rule of a covered country.

20 (b) REPORT.—Not later than 18 months after the date
21 of the enactment of this Act, the Secretary of State shall
22 submit a report to the appropriate congressional committees
23 that assesses and describes the nature and extent of national
24 laws and enforceable policies of covered countries regarding
25 the identification and the return of or restitution for wrong-

1 *fully seized or transferred Holocaust era assets consistent*
2 *with, and evaluated with respect to, the goals and objectives*
3 *of the 2009 Holocaust Era Assets Conference, including—*

4 *(1) the return to the rightful owner of any prop-*
5 *erty, including religious or communal property, that*
6 *was wrongfully seized or transferred;*

7 *(2) if return of any property described in para-*
8 *graph (1) is no longer possible, the provision of com-*
9 *parable substitute property or the payment of equi-*
10 *table compensation to the rightful owner in accord-*
11 *ance with principles of justice and through an expedi-*
12 *tious claims-driven administrative process that is*
13 *just, transparent, and fair;*

14 *(3) in the case of heirless property, the provision*
15 *of property or compensation to assist needy Holocaust*
16 *survivors, to support Holocaust education, and for*
17 *other purposes;*

18 *(4) the extent to which such laws and policies*
19 *are implemented and enforced in practice, including*
20 *through any applicable administrative or judicial*
21 *processes; and*

22 *(5) to the extent practicable, the mechanism for*
23 *and an overview of progress toward the resolution of*
24 *claims for United States citizen Holocaust survivors*

1 *and United States citizen family members of Holo-*
2 *caust victims.*

3 *(c) SENSE OF CONGRESS.—It is the sense of Congress*
4 *that after the submission of the report described in sub-*
5 *section (b), the Secretary of State should continue to report*
6 *to Congress on Holocaust era assets and related issues in*
7 *a manner that is consistent with the manner in which the*
8 *Department of State reported on such matters before the*
9 *date of the enactment of the Act.*