

1949, were designated title I of such Act, herein referred to as subchapter I for purposes of codification, by act Aug. 9, 1955, ch. 645, § 1, 69 Stat. 562.

§ 1621. Definitions

For the purposes of this subchapter—

(a) The term “person” shall include an individual, partnership, corporation, or the Government of the United States.

(b) The term “United States” when used in a geographical sense shall include the United States, its Territories and insular possessions, and the Canal Zone.

(c) The term “nationals of the United States” includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens.

(d) The term “Yugoslav Claims Agreement of 1948” means the agreement between the Government of the United States of America and of the Federal People’s Republic of Yugoslavia regarding pecuniary claims of the United States and its nationals, signed July 19, 1948.

(Mar. 10, 1950, ch. 54, title I, § 2, 64 Stat. 13; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562.)

Editorial Notes

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (b), see section 3602(b) of this title.

AMENDMENTS

1955—Act Aug. 9, 1955, § 1, amended credit to section by designating act Mar. 10, 1950, as “title I”.

Act Aug. 9, 1955, § 2, substituted “subchapter” for “chapter” in opening phrase.

Statutory Notes and Related Subsidiaries

REFERENCES TO THIS SUBCHAPTER DEEMED TO INCLUDE SECTION 119 OF H.R. 2076

References to this subchapter deemed to include section 119 of H.R. 2076, see section 119(b) of H.R. 2076, as enacted into law by Pub. L. 104-91, set out as an Authority of Foreign Claims Settlement Commission note under section 1644 of this title.

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-155, § 1, Dec. 9, 1999, 113 Stat. 1740, provided that: “This Act [amending provisions set out as a note below] may be cited as the ‘U.S. Holocaust Assets Commission Extension Act of 1999’.”

SHORT TITLE

Act Mar. 10, 1950, ch. 54, § 1, 64 Stat. 12, provided that: “This Act [enacting this chapter] may be cited as the ‘International Claims Settlement Act of 1949’.”

TITLES OF ACT

Act Aug. 9, 1955, ch. 645, §§ 1, 3, 69 Stat. 562, designated sections 1621 to 1627 of this title as “Title I” of act Mar. 10, 1950, which is classified to subchapter I of this chapter and added “Title II—Vesting and Liquidation of Bulgarian, Hungarian, and Rumanian Property” and “Title III—Claims Against Bulgaria, Hungary, Rumania, Italy, and the Soviet Union”, which are classified to subchapters II and III, respectively, of this chapter. Pub. L. 85-604 added Title IV, Claims Against Czechoslovakia, which is classified to subchapter IV of this chapter. Pub. L. 88-666 added Title V, Claims Against Cuba and China, which is classified to subchapter V of

this chapter. Pub. L. 94-542 added Title VI, Claims Against German Democratic Republic, which is classified to subchapter VI of this chapter. Pub. L. 96-606 added Title VII, Claims Against Vietnam, which is classified to subchapter VII of this chapter.

APPROPRIATIONS

Act Mar. 10, 1950, ch. 54, § 9, 64 Stat. 18, provided that: “There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this Act [enacting this chapter].”

GUAM WORLD WAR II LOYALTY RECOGNITION

Pub. L. 114-328, div. A, title XVII, Dec. 23, 2016, 130 Stat. 2642, as amended by Pub. L. 116-132, § 1, Mar. 26, 2020, 134 Stat. 273, provided that:

“SEC. 1701. SHORT TITLE.

“This title may be cited as the ‘Guam World War II Loyalty Recognition Act’.

“SEC. 1702. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

“(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

“(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

“SEC. 1703. GUAM WORLD WAR II CLAIMS FUND.

“(a) ESTABLISHMENT OF FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States a special fund (in this title referred to as the ‘Claims Fund’) for the payment of claims submitted by compensable Guam victims and survivors of compensable Guam decedents in accordance with sections 1704 and 1705.

“(b) COMPOSITION OF FUND.—The Claims Fund established under subsection (a) shall be composed of amounts deposited into the Claims Fund under subsection (c) and any other payments made available for the payment of claims under this title.

“(c) PAYMENT OF CERTAIN DUTIES, TAXES, AND FEES COLLECTED FROM GUAM DEPOSITED INTO FUND.—

“(1) IN GENERAL.—Notwithstanding section 30 of the Organic Act of Guam (48 U.S.C. 1421h), the excess of—

“(A) any amount of duties, taxes, and fees collected under such section after fiscal year 2014, over

“(B) the amount of duties, taxes, and fees collected under such section during fiscal year 2014, shall be deposited into the Claims Fund.

“(2) APPLICATION.—Paragraph (1) shall not apply after the date for which the Secretary of the Treasury determines that all payments required to be made under section 1704 have been made.

“(d) LIMITATION ON PAYMENTS MADE FROM FUND.—

“(1) IN GENERAL.—No payment may be made in a fiscal year under section 1704 until funds are deposited into the Claims Fund in such fiscal year under subsection (c).

“(2) AMOUNTS.—For each fiscal year in which funds are deposited into the Claims Fund under subsection (c), the total amount of payments made in a fiscal year under section 1704 may not exceed the amount of funds available in the Claims Fund for such fiscal year.

“(e) DEDUCTIONS FROM FUND FOR ADMINISTRATIVE EXPENSES.—The Secretary of the Treasury shall deduct from any amounts deposited into the Claims Fund an amount not to exceed 5 percent of such amounts as reimbursement to the Federal Government for expenses incurred by the Foreign Claims Settlement Commission and by the Department of the Treasury in the administration of this title. The amounts so deducted shall be used to reimburse the applicable appropriations.

“SEC. 1704. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

“(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—After the Secretary of the Treasury receives the certification from the Chairman of the Foreign Claims Settlement Commission as required under section 1705(b)(8), the Secretary of the Treasury shall make payments from the Claims Fund to compensable Guam victims and survivors of a compensable Guam decedents as follows:

“(1) COMPENSABLE GUAM VICTIM.—Before making any payments under paragraph (2), the Secretary shall make payments to compensable Guam victims as follows:

“(A) In the case of a victim who has suffered an injury described in subsection (c)(2)(A), \$15,000.

“(B) In the case of a victim who is not described in subparagraph (A), but who has suffered an injury described in subsection (c)(2)(B), \$12,000.

“(C) In the case of a victim who is not described in subparagraph (A) or (B), but who has suffered an injury described in subsection (c)(2)(C), \$10,000.

“(2) SURVIVORS OF COMPENSABLE GUAM DECEDENTS.—

In the case of a compensable Guam decedent, the Secretary shall pay \$25,000 for distribution to survivors of the decedent in accordance with subsection (b). The Secretary shall make payments under this paragraph only after all payments are made under paragraph (1).

“(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—A payment made under subsection (a)(2) to the survivors of a compensable Guam decedent shall be distributed as follows:

“(1) In the case of a decedent whose spouse is living as of the date of the enactment of this Act [Dec. 23, 2016], but who had no living children as of such date, the payment shall be made to such spouse.

“(2) In the case of a decedent whose spouse is living as of the date of the enactment of this Act and who had one or more living children as of such date, 50 percent of the payment shall be made to the spouse and 50 percent shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

“(3) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act and who had one or more living children as of such date, the payment shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

“(4) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act and who had no living children as of such date, but who—

“(A) had a parent who is living as of such date, the payment shall be made to the parent; or

“(B) had two parents who are living as of such date, the payment shall be divided equally between the parents.

“(5) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act, who had no living children as of such date, and who had no parents who are living as of such date, no payment shall be made.

“(c) DEFINITIONS.—For purposes of this title:

“(1) COMPENSABLE GUAM DECEDENT.—The term ‘compensable Guam decedent’ means an individual determined under section 1705 to have been a resident of Guam who died as a result of the attack and occupation of Guam by Imperial Japanese military forces

during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) [59 Stat. 582] if a timely claim had been filed under the terms of such Act.

“(2) COMPENSABLE GUAM VICTIM.—The term ‘compensable Guam victim’ means an individual who is not deceased as of the date of the enactment of this Act [Dec. 23, 2016] and who is determined under section 1705 to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

“(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

“(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

“(C) Forced march, internment, or hiding to evade internment.

“(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—Not later than 180 days after the date of the enactment of this Act, the Foreign Claims Settlement Commission shall promulgate regulations to specify the injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

“SEC. 1705. ADJUDICATION.

“(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

“(1) IN GENERAL.—The Foreign Claims Settlement Commission shall adjudicate claims and determine the eligibility of individuals for payments under section 1704.

“(2) RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Chairman of the Foreign Claims Settlement Commission shall publish in the Federal Register such rules and regulations as may be necessary to enable the Commission to carry out the functions of the Commission under this title.

“(b) CLAIMS SUBMITTED FOR PAYMENTS.—

“(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1704 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

“(2) FILING PERIOD FOR CLAIMS AND NOTICE.—

“(A) FILING PERIOD.—An individual filing a claim for a payment under section 1704 shall file such claim not later than one year after the date on which the Foreign Claims Settlement Commission publishes the notice described in subparagraph (B).

“(B) NOTICE OF FILING PERIOD.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Foreign Claims Settlement Commission shall publish a notice of the deadline for filing a claim described in subparagraph (A)—

“(i) in the Federal Register; and

“(ii) in newspaper, radio, and television media in Guam.

“(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim filed under this title shall—

“(A) be by majority vote;

“(B) be in writing;

“(C) state the reasons for the approval or denial of the claim; and

“(D) if approved, state the amount of the payment awarded and the distribution, if any, to be made of the payment.

“(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from a payment made to a compensable Guam victim or sur-

vivors of a compensable Guam decedent under this section, amounts paid to such victim or survivors under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) [59 Stat. 582] before the date of the enactment of this Act.

“(5) INTEREST.—No interest shall be paid on payments made by the Foreign Claims Settlement Commission under section 1704.

“(6) LIMITED COMPENSATION FOR PROVISION OF REPRESENTATIONAL SERVICES.—

“(A) LIMIT ON COMPENSATION.—Any agreement under which an individual who provided representational services to an individual who filed a claim for a payment under this title that provides for compensation to the individual who provided such services in an amount that is more than one percent of the total amount of such payment shall be unlawful and void.

“(B) PENALTIES.—Whoever demands or receives any compensation in excess of the amount allowed under subparagraph (A) shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

“(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

“(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the Chairman of the Foreign Claims Settlement Commission shall certify such decision to the Secretary of the Treasury for authorization of a payment under section 1704.

“(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1704 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing the eligibility of such individual for payment under such section as establishing a prima facie case of the eligibility of the individual for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim for a payment made under section 1704(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

“(10) RELEASE OF RELATED CLAIMS.—Acceptance of a payment under section 1704 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) [59 Stat. 582], the implementing regulations issued by the United States Navy pursuant to such Act (Public Law 79-224), or this title.

“SEC. 1706. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

“(a) ESTABLISHMENT.—Subject to subsection (b), the Secretary of the Interior shall establish a grant program under which the Secretary shall award grants for research, educational, and media activities for purposes of appropriately illuminating and interpreting the causes and circumstances of the occupation of Guam during World War II and other similar occupations during the war that—

“(1) memorialize the events surrounding such occupation; or

“(2) honor the loyalty of the people of Guam during such occupation.

“(b) ELIGIBILITY.—The Secretary of the Interior may not award a grant under subsection (a) unless the person seeking the grant submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

“SEC. 1707. AUTHORIZATION OF APPROPRIATIONS.

[“(a) Repealed. Pub. L. 116-132, §1(3), Mar. 26, 2020, 134 Stat. 273.]

“(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1706, there are authorized to be appropriated \$5,000,000 for each fiscal year beginning after the date of the enactment of this Act [Dec. 23, 2016].”

[Pub. L. 116-132, §1(2), which directed amendment of section 1704(a) of Pub. L. 114-328, set out above, by substituting “from the Claims Fund” for “, subject to the availability of appropriations,” was executed by making the substitution for “, subject to the availability of appropriations,” to reflect the probable intent of Congress.]

HOLOCAUST EXPROPRIATED ART RECOVERY

Pub. L. 114-308, Dec. 16, 2016, 130 Stat. 1524, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Holocaust Expropriated Art Recovery Act of 2016’.

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) It is estimated that the Nazis confiscated or otherwise misappropriated hundreds of thousands of works of art and other property throughout Europe as part of their genocidal campaign against the Jewish people and other persecuted groups. This has been described as the ‘greatest displacement of art in human history’.

“(2) Following World War II, the United States and its allies attempted to return the stolen artworks to their countries of origin. Despite these efforts, many works of art were never reunited with their owners. Some of the art has since been discovered in the United States.

“(3) In 1998, the United States convened a conference with 43 other nations in Washington, DC, known as the Washington Conference, which produced Principles on Nazi-Confiscated Art. One of these principles is that ‘steps should be taken expeditiously to achieve a just and fair solution’ to claims involving such art that has not been restituted if the owners or their heirs can be identified.

“(4) The same year, Congress enacted the Holocaust Victims Redress Act (Public Law 105-158, 112 Stat. 15), which expressed the sense of Congress that ‘all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.’.

“(5) In 2009, the United States participated in a Holocaust Era Assets Conference in Prague, Czech Republic, with 45 other nations. At the conclusion of this conference, the participating nations issued the Terezin Declaration, which reaffirmed the 1998 Washington Conference Principles on Nazi-Confiscated Art and urged all participants ‘to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties.’. The Declaration also urged participants to ‘consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.’.

“(6) Victims of Nazi persecution and their heirs have taken legal action in the United States to recover Nazi-confiscated art. These lawsuits face significant procedural obstacles partly due to State

statutes of limitations, which typically bar claims within some limited number of years from either the date of the loss or the date that the claim should have been discovered. In some cases, this means that the claims expired before World War II even ended. (See, e.g., *Detroit Institute of Arts v. Ullin*, No. 06-10333, 2007 WL 1016996 (E.D. Mich. Mar. 31, 2007).) The unique and horrific circumstances of World War II and the Holocaust make statutes of limitations especially burdensome to the victims and their heirs. Those seeking recovery of Nazi-confiscated art must painstakingly piece together their cases from a fragmentary historical record ravaged by persecution, war, and genocide. This costly process often cannot be done within the time constraints imposed by existing law.

“(7) Federal legislation is needed because the only court that has considered the question held that the Constitution prohibits States from making exceptions to their statutes of limitations to accommodate claims involving the recovery of Nazi-confiscated art. In *Von Saher v. Norton Simon Museum of Art*, 592 F.3d 954 (9th Cir. 2009), the United States Court of Appeals for the Ninth Circuit invalidated a California law that extended the State statute of limitations for claims seeking recovery of Holocaust-era artwork. The Court held that the law was an unconstitutional infringement of the Federal Government’s exclusive authority over foreign affairs, which includes the resolution of war-related disputes. In light of this precedent, the enactment of a Federal law is necessary to ensure that claims to Nazi-confiscated art are adjudicated in accordance with United States policy as expressed in the Washington Conference Principles on Nazi-Confiscated Art, the Holocaust Victims Redress Act, and the Terezin Declaration.

“(8) While litigation may be used to resolve claims to recover Nazi-confiscated art, it is the sense of Congress that the private resolution of claims by parties involved, on the merits and through the use of alternative dispute resolution such as mediation panels established for this purpose with the aid of experts in provenance research and history, will yield just and fair resolutions in a more efficient and predictable manner.

“SEC. 3. PURPOSES.

“The purposes of this Act are the following:

“(1) To ensure that laws governing claims to Nazi-confiscated art and other property further United States policy as set forth in the Washington Conference Principles on Nazi-Confiscated Art, the Holocaust Victims Redress Act, and the Terezin Declaration.

“(2) To ensure that claims to artwork and other property stolen or misappropriated by the Nazis are not unfairly barred by statutes of limitations but are resolved in a just and fair manner.

“SEC. 4. DEFINITIONS.

“In this Act:

“(1) **ACTUAL DISCOVERY.**—The term ‘actual discovery’ means knowledge.

“(2) **ARTWORK OR OTHER PROPERTY.**—The term ‘artwork or other property’ means—

“(A) pictures, paintings, and drawings;

“(B) statuary art and sculpture;

“(C) engravings, prints, lithographs, and works of graphic art;

“(D) applied art and original artistic assemblages and montages;

“(E) books, archives, musical objects and manuscripts (including musical manuscripts and sheets), and sound, photographic, and cinematographic archives and mediums; and

“(F) sacred and ceremonial objects and Judaica.

“(3) **COVERED PERIOD.**—The term ‘covered period’ means the period beginning on January 1, 1933, and ending on December 31, 1945.

“(4) **KNOWLEDGE.**—The term ‘knowledge’ means having actual knowledge of a fact or circumstance or suf-

ficient information with regard to a relevant fact or circumstance to amount to actual knowledge thereof.

“(5) **NAZI PERSECUTION.**—The term ‘Nazi persecution’ means any persecution of a specific group of individuals based on Nazi ideology by the Government of Germany, its allies or agents, members of the Nazi Party, or their agents or associates, during the covered period.

“SEC. 5. STATUTE OF LIMITATIONS.

“(a) **IN GENERAL.**—Notwithstanding any other provision of Federal or State law or any defense at law relating to the passage of time, and except as otherwise provided in this section, a civil claim or cause of action against a defendant to recover any artwork or other property that was lost during the covered period because of Nazi persecution may be commenced not later than 6 years after the actual discovery by the claimant or the agent of the claimant of—

“(1) the identity and location of the artwork or other property; and

“(2) a possessory interest of the claimant in the artwork or other property.

“(b) **POSSIBLE MISIDENTIFICATION.**—For purposes of subsection (a)(1), in a case in which the artwork or other property is one of a group of substantially similar multiple artworks or other property, actual discovery of the identity and location of the artwork or other property shall be deemed to occur on the date on which there are facts sufficient to form a substantial basis to believe that the artwork or other property is the artwork or other property that was lost.

“(c) **PREEXISTING CLAIMS.**—Except as provided in subsection (e), a civil claim or cause of action described in subsection (a) shall be deemed to have been actually discovered on the date of enactment of this Act [Dec. 16, 2016] if—

“(1) before the date of enactment of this Act—

“(A) a claimant had knowledge of the elements set forth in subsection (a); and

“(B) the civil claim or cause of action was barred by a Federal or State statute of limitations; or

“(2)(A) before the date of enactment of this Act, a claimant had knowledge of the elements set forth in subsection (a); and

“(B) on the date of enactment of this Act, the civil claim or cause of action was not barred by a Federal or State statute of limitations.

“(d) **APPLICABILITY.**—Subsection (a) shall apply to any civil claim or cause of action that is—

“(1) pending in any court on the date of enactment of this Act [Dec. 16, 2016], including any civil claim or cause of action that is pending on appeal or for which the time to file an appeal has not expired; or

“(2) filed during the period beginning on the date of enactment of this Act and ending on December 31, 2026.

“(e) **EXCEPTION.**—Subsection (a) shall not apply to any civil claim or cause of action barred on the day before the date of enactment of this Act [Dec. 16, 2016] by a Federal or State statute of limitations if—

“(1) the claimant or a predecessor-in-interest of the claimant had knowledge of the elements set forth in subsection (a) on or after January 1, 1999; and

“(2) not less than 6 years have passed from the date such claimant or predecessor-in-interest acquired such knowledge and during which time the civil claim or cause of action was not barred by a Federal or State statute of limitations.

“(f) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to create a civil claim or cause of action under Federal or State law.

“(g) **SUNSET.**—This Act shall cease to have effect on January 1, 2027, except that this Act shall continue to apply to any civil claim or cause of action described in subsection (a) that is pending on January 1, 2027. Any civil claim or cause of action commenced on or after that date to recover artwork or other property described in this Act shall be subject to any applicable Federal or State statute of limitations or any other

Federal or State defense at law relating to the passage of time.”

UNITED STATES HOLOCAUST ASSETS COMMISSION

Pub. L. 105-186, June 23, 1998, 112 Stat. 611, as amended by Pub. L. 106-155, § 2, Dec. 9, 1999, 113 Stat. 1740, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘U.S. Holocaust Assets Commission Act of 1998’.

“SEC. 2. ESTABLISHMENT OF COMMISSION.

“(a) ESTABLISHMENT.—There is established a Presidential Commission, to be known as the ‘Presidential Advisory Commission on Holocaust Assets in the United States’ (hereafter in this Act referred to as the ‘Commission’).

“(b) MEMBERSHIP.—

“(1) NUMBER.—The Commission shall be composed of 21 members, appointed in accordance with paragraph (2).

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

“(A) eight shall be private citizens, appointed by the President;

“(B) four shall be representatives of the Department of State, the Department of Justice, the Department of the Army, and the Department of the Treasury (one representative of each such Department), appointed by the President;

“(C) two shall be Members of the House of Representatives, appointed by the Speaker of the House of Representatives;

“(D) two shall be Members of the House of Representatives, appointed by the minority leader of the House of Representatives;

“(E) two shall be Members of the Senate, appointed by the majority leader of the Senate;

“(F) two shall be Members of the Senate, appointed by the minority leader of the Senate; and

“(G) one shall be the Chairperson of the United States Holocaust Memorial Council.

“(3) CRITERIA FOR MEMBERSHIP.—Each private citizen appointed to the Commission shall be an individual who has a record of demonstrated leadership on issues relating to the Holocaust or in the fields of commerce, culture, or education that would assist the Commission in analyzing the disposition of the assets of Holocaust victims.

“(4) ADVISORY PANELS.—The Chairperson of the Commission may, in the discretion of the Chairperson, establish advisory panels to the Commission, including State or local officials, representatives of organizations having an interest in the work of the Commission, or others having expertise that is relevant to the purposes of the Commission.

“(5) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act [June 23, 1998].

“(c) CHAIRPERSON.—The Chairperson of the Commission shall be selected by the President from among the members of the Commission appointed under subparagraph (A) or (B) of subsection (b)(2).

“(d) PERIOD OF APPOINTMENT.—Members of the Commission shall be appointed for the life of the Commission.

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

“(f) MEETINGS.—The Commission shall meet at the call of the Chairperson at any time after the date of appointment of the Chairperson.

“(g) QUORUM.—11 members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

“SEC. 3. DUTIES OF THE COMMISSION.

“(a) ORIGINAL RESEARCH.—

“(1) IN GENERAL.—Except as otherwise provided in paragraph (3), the Commission shall conduct a thor-

ough study and develop a historical record of the collection and disposition of the assets described in paragraph (2), if such assets came into the possession or control of the Federal Government, including the Board of Governors of the Federal Reserve System and any Federal reserve bank, at any time after January 30, 1933—

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

“(B) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c); or

“(C) in the case of assets consisting of gold bullion, monetary gold, or similar assets, after such assets had been obtained by the Nazi government of Germany from governmental institutions in any area occupied by the military forces of the Nazi government of Germany.

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

“(A) gold, including gold bullion, monetary gold, or similar assets in the possession of or under the control of the Board of Governors of the Federal Reserve System or any Federal reserve bank;

“(B) gems, jewelry, and nongold precious metals;

“(C) accounts in banks in the United States;

“(D) domestic financial instruments purchased before May 8, 1945, by individual victims of the Holocaust, whether recorded in the name of the victim or in the name of a nominee;

“(E) insurance policies and proceeds thereof;

“(F) real estate situated in the United States;

“(G) works of art; and

“(H) books, manuscripts, and religious objects.

“(3) COORDINATION OF ACTIVITIES.—In carrying out its duties under paragraph (1), the Commission shall, to the maximum extent practicable, coordinate its activities with, and not duplicate similar activities already being undertaken by, private individuals, private entities, or government entities, whether domestic or foreign.

“(4) INSURANCE POLICIES.—

“(A) IN GENERAL.—In carrying out its duties under this Act, the Commission shall take note of the work of the National Association of Insurance Commissioners with regard to Holocaust-era insurance issues and shall encourage the National Association of Insurance Commissioners to prepare a report on the Holocaust-related claims practices of all insurance companies, both domestic and foreign, doing business in the United States at any time after January 30, 1933, that issued any individual life, health, or property-casualty insurance policy to any individual on any list of Holocaust victims, including the following lists:

“(i) The list maintained by the United States Holocaust Memorial Museum in Washington, D.C., of Jewish Holocaust survivors.

“(ii) The list maintained by the Yad Vashem Holocaust Memorial Authority in its Hall of Names of individuals who died in the Holocaust.

“(B) INFORMATION TO BE INCLUDED.—The report on insurance companies prepared pursuant to subparagraph (A) should include the following, to the degree the information is available:

“(i) The number of policies issued by each company to individuals described in such subparagraph.

“(ii) The value of each policy at the time of issue.

“(iii) The total number of policies, and the dollar amount, that have been paid out.

“(iv) The total present-day value of assets in the United States of each company.

“(C) COORDINATION.—The Commission shall coordinate its work on insurance issues with that of the international Washington Conference on Holocaust-Era Assets, to be convened by the Depart-

ment of State and the United States Holocaust Memorial Council.

“(b) COMPREHENSIVE REVIEW OF OTHER RESEARCH.—Upon receiving permission from any relevant individuals or entities, the Commission shall review comprehensively any research by private individuals, private entities, and non-Federal government entities, whether domestic or foreign, into the collection and disposition of the assets described in subsection (a)(2), to the extent that such research focuses on assets that came into the possession or control of private individuals, private entities, or non-Federal government entities within the United States at any time after January 30, 1933, either—

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

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

“(c) GOVERNMENTS INCLUDED.—A government referred to in this subsection includes, as in existence during the period beginning on March 23, 1933, and ending on May 8, 1945—

“(1) the Nazi government of Germany;

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

“(3) any government established with the assistance or cooperation of the Nazi government of Germany; and

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

“(d) REPORTS.—

“(1) SUBMISSION TO THE PRESIDENT.—Not later than December 31, 2000, the Commission shall submit a final report to the President that shall contain any recommendations for such legislative, administrative, or other action as it deems necessary or appropriate. The Commission may submit interim reports to the President as it deems appropriate.

“(2) SUBMISSION TO THE CONGRESS.—After receipt of the final report under paragraph (1), the President shall submit to the Congress any recommendations for legislative, administrative, or other action that the President considers necessary or appropriate.

“SEC. 4. POWERS OF THE COMMISSION.

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

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

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

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

“(e) ADMINISTRATIVE SERVICES.—For the purposes of obtaining administrative services necessary to carry out the purposes of this Act, including the leasing of real property for use by the Commission as an office, the Commission shall have the power to—

“(1) enter into contracts and modify, or consent to the modification of, any contract or agreement to which the Commission is a party; and

“(2) acquire, hold, lease, maintain, or dispose of real and personal property.

“SEC. 5. COMMISSION PERSONNEL MATTERS.

“(a) COMPENSATION.—No member of the Commission who is a private citizen shall be compensated for service on the Commission. All members of the Commission who are officers or employees of the United States shall

serve without compensation in addition to that received for their services as officers or employees of the United States.

“(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

“(1) IN GENERAL.—Not later than 90 days after the selection of the Chairperson of the Commission under section 2, the Chairperson shall, without regard to the civil service laws and regulations, appoint an executive director, a deputy executive director, and a general counsel of the Commission, and such other additional personnel as may be necessary to enable the Commission to perform its duties under this Act.

“(2) QUALIFICATIONS.—The executive director, deputy executive director, and general counsel of the Commission shall be appointed without regard to political affiliation, and shall possess all necessary security clearances for such positions.

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

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

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

“(C) be responsible for coordinating all official activities of the Commission.

“(4) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director, deputy executive director, general counsel, and other personnel employed by the Commission, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that—

“(A) the rate of pay for the executive director of the Commission may not exceed the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; and

“(B) the rate of pay for the deputy executive director, the general counsel of the Commission, and other Commission personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(5) EMPLOYEE BENEFITS.—

“(A) IN GENERAL.—An employee of the Commission shall be an employee for purposes of chapters 83, 84, 85, 87, and 89 of title 5, United States Code, and service as an employee of the Commission shall be service for purposes of such chapters.

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

“(6) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management—

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

“(B) shall provide support services, on a reimbursable basis, relating to—

“(i) the initial employment of employees of the Commission; and

“(ii) other personnel needs of the Commission.

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

“(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of

the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

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

“(g) CONDITIONAL EMPLOYMENT.—

“(1) IN GENERAL.—The Commission may offer employment on a conditional basis to a prospective employee pending the completion of any necessary security clearance background investigation. During the pendency of any such investigation, the Commission shall ensure that such conditional employee is not given and does not have access to or responsibility involving classified or otherwise restricted material.

“(2) TERMINATION.—If a person hired on a conditional basis as described in paragraph (1) is denied or otherwise does not qualify for all security clearances necessary for the fulfillment of the responsibilities of that person as an employee of the Commission, the Commission shall immediately terminate the employment of that person with the Commission.

“(h) EXPEDITED SECURITY CLEARANCE PROCEDURES.—A candidate for executive director or deputy executive director of the Commission and any potential employee of the Commission shall, to the maximum extent possible, be investigated or otherwise evaluated for and granted, if applicable, any necessary security clearances on an expedited basis.

“SEC. 6. ADMINISTRATIVE SUPPORT SERVICES.

“Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

“SEC. 7. TERMINATION OF THE COMMISSION.

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

“SEC. 8. MISCELLANEOUS PROVISIONS.

“(a) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

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

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated not more than \$6,000,000, in total, for the interagency funding of activities of the Commission under this Act for fiscal years 1998, 1999, 2000, and 2001, of which, notwithstanding section 1346 of title 31, United States Code, and section 611 of the Treasury and General Government Appropriations Act, 1998 [Pub. L. 105-61, 111 Stat. 1310], \$537,000 shall be made available in equal amounts from funds made available for fiscal year 1998 to the Departments of Justice, State, and the Army that are otherwise unobligated. Funds made available to the Commission pursuant to this section shall remain available for obligation until December 31, 1999.”

Executive Documents

ABOLITION OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

International Claims Commission of the United States, including offices of its members, abolished and functions of Commission and of members, officers, and employees thereof transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

§ 1622. Establishment of International Claims Commission

(a), (b) Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 656

(c) Rules and regulations; termination date; removal of personnel; reports

The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. The President may fix a termination date for the authority of the Commission, and the terms of office of its members under this subchapter. Any member of the Commission may be removed by the Secretary of State, upon notice and hearing, for neglect of duty, or malfeasance in office, but for no other cause. Not later than six months after its organization, and every six months¹ thereafter, the Commission shall make a report, through the Secretary of State, to the Congress concerning its operations under this subchapter. The Commission shall, upon completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following: (1) A list of all claims disallowed; (2) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and (3) a copy of the decision rendered in each case.

(Mar. 10, 1950, ch. 54, title I, §3, 64 Stat. 13; Aug. 8, 1953, ch. 396, §3, 67 Stat. 506; 1954 Reorg. Plan No. 1, §§1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279; Aug. 9, 1955, ch. 645, §1, 2, 69 Stat. 562; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 656, 657.)

Editorial Notes

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-554 repealed subsec. (a) which related to the composition, appointment, chairman, quorum, and acting members of the Commission.

Subsec. (b). Pub. L. 89-554 repealed subsec. (b) which provided for the principal office of the Commission, and for the appointment and compensation of personnel.

Subsec. (d). Pub. L. 89-554 repealed subsec. (d) which related to a limitation on additional appointments to the Commission.

1955—Act Aug. 9, 1955, §1, amended credit to section by designating act Mar. 10, 1950, as “title I”.

Subsec. (c). Act Aug. 9, 1955, §2, substituted “subchapter” for “chapter”.

1953—Act Aug. 8, 1953, added par. at end which was editorially designated as subsec. (d).

Statutory Notes and Related Subsidiaries

REFERENCES TO THIS SUBCHAPTER DEEMED TO INCLUDE SECTION 119 OF H.R. 2076

References to this subchapter deemed to include section 119 of H.R. 2076, see section 119(b) of H.R. 2076, as enacted into law by Pub. L. 104-91, set out as an Authority of Foreign Claims Settlement Commission note under section 1644 of this title.

MODIFICATION OF REPORTING REQUIREMENTS

Pub. L. 89-348, §2(7), Nov. 8, 1965, 79 Stat. 1312, modified the reporting requirements of subsec. (c) of this

¹ See Modification of Reporting Requirements note below.