

111TH CONGRESS
2^D SESSION

H. R. 6347

To make certain entities ineligible to contract with any agency or instrumentality of a State or local government for any high-speed rail project that is funded, either partially or fully, by the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. KLEIN of Florida (for himself and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To make certain entities ineligible to contract with any agency or instrumentality of a State or local government for any high-speed rail project that is funded, either partially or fully, by the Federal Government.

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 Account-
5 ability and Corporate Responsibility Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Substantial Federal funding, including
2 roughly \$8 billion through the American Recovery
3 and Reinvestment Act (Public Law 111–5), has been
4 or will be awarded to various States to make high-
5 speed rail in the United States a reality. Significant
6 additional Federal funding for high-speed rail is an-
7 ticipated in the coming years.

8 (2) Design, engineering, construction, oper-
9 ation, and maintenance of the rail lines, among
10 other responsibilities, will be provided by any num-
11 ber of entities following competitive bidding proc-
12 esses at the various State levels.

13 (3) High-speed rail offers tremendous economic,
14 environmental, and other benefits. Specifically, high-
15 speed rail will reduce travel time between population
16 centers, remove millions of tons of carbon and other
17 greenhouse gasses from the atmosphere, and provide
18 jobs in engineering, construction, operations, mainte-
19 nance, and other areas.

20 (4) Given the substantial amount of Federal
21 funds involved, it is critical that proper due diligence
22 be performed on prospective bidders and it is imper-
23 ative that companies receiving such Federal funds
24 represent our shared commitment to human rights,

1 respect, decency, and corporate ethics and responsi-
2 bility.

3 (5) Certain entities that have expressed an in-
4 terest in competing for high-speed rail grants in a
5 number of States have engaged in conduct which re-
6 quires public disclosures and scrutiny.

7 (6) Between March 1942 and August 1944,
8 75,000 Jews and thousands of other “undesirables”
9 were deported from France to extermination and
10 death camps on trains operated for profit by certain
11 companies that have expressed an intent to compete
12 for contracts relating to high-speed rail projects.
13 United States airmen who were shot down over
14 France were among the persons deported on these
15 trains to those extermination and death camps such
16 as Auschwitz and Buchenwald.

17 (7) Tragically, the victims who were on these
18 trains, many of whom now reside in the United
19 States, and their families have yet to receive any
20 measure of justice. Nonetheless, these victims and
21 their families are facing the prospect that their Fed-
22 eral tax dollars may be awarded to a company re-
23 sponsible for transporting them and their loved ones
24 to extermination and death camps for profit.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **DIRECT INVOLVEMENT.**—The term “direct
4 involvement” means ownership or operation of the
5 trains on which individuals were deported to exter-
6 mination camps, death camps, or any facility used
7 for the purpose of transiting individuals to extermi-
8 nation or death camps, during the period beginning
9 on January 1, 1942, and ending on December 31,
10 1944.

11 (2) **ENTITY.**—

12 (A) **IN GENERAL.**—The term “entity”
13 means any corporation, affiliate, or other entity
14 that controls, is controlled by or is under com-
15 mon control with, or that is a member of a
16 partnership or a consortium with, an entity that
17 certifies that it had any direct involvement de-
18 scribed in section 4(a).

19 (B) **PRESUMPTION OF CONTROL.**—An enti-
20 ty shall be presumed to be in control of another
21 corporation or entity if it directly or indirectly
22 controls more than 50 percent of the voting se-
23 curities of the other corporation or entity.

24 (C) **EQUITY INTEREST BY FOREIGN**
25 **STATE.**—Such term shall apply irrespective of
26 whether or not any equity interest in the entity

1 is or was owned by a foreign state or govern-
2 ment, and if an equity interest in the entity is
3 or was owned by such a foreign state, such
4 term shall refer to the corporate entity itself
5 and not to such foreign state.

6 (3) PROPERTY.—The term “property” means
7 any personal belongings owned or controlled by the
8 victims of the deportations which may have been
9 taken or confiscated in connection with the deporta-
10 tions, including jewelry, books, artifacts, precious
11 metals, and currency.

12 (4) RECORDS.—The term “records” includes
13 any documents, correspondence, memoranda, re-
14 ceipts, invoices, presentations, audits, and any other
15 related materials.

16 (5) STATE.—The term “State” means each of
17 the several States, the District of Columbia, and any
18 commonwealth, territory, or possession of the United
19 States.

20 **SEC. 4. CERTAIN ENTITIES INELIGIBLE FOR FEDERALLY**
21 **FUNDED HIGH-SPEED RAIL CONTRACTS.**

22 (a) IN GENERAL.—Any entity that applies for a con-
23 tract with any agency or instrumentality of a State or local
24 government for any high-speed rail project (including the
25 design, engineering, construction, manufacture, or oper-

1 ation of a high-speed rail network or any components
2 thereof) that is funded, either partially or fully, by the
3 Federal Government shall certify to such agency, in ad-
4 vance of submitting a formal bid to such agency, whether
5 or not such entity had any direct involvement in the depor-
6 tation of any individuals to extermination camps, death
7 camps, or any facility used for the purpose of transiting
8 individuals to extermination or death camps, during the
9 period beginning on January 1, 1942, and ending on De-
10 cember 31, 1944.

11 (b) DISCLOSURES.—If an entity certifies that it had
12 any direct involvement described in subsection (a), the en-
13 tity shall certify and disclose to the agency or instrumen-
14 tality of a State or local government the following:

15 (1) Whether the entity has any records related
16 to the deportations in its possession, custody, or con-
17 trol. If an entity acknowledges that it has any such
18 records, it shall describe in detail the full contents
19 of such records and the specific locations where such
20 records are maintained.

21 (2) Whether the entity has any property taken
22 or confiscated in connection with such deportations
23 in its possession, custody or control. If an entity ac-
24 knowledges that it has any such property, it must
25 describe in detail the specific property in its posses-

1 sion, custody, or control and the specific locations
2 where such property is maintained. If such entity
3 does not have any such property in its possession,
4 custody, or control, such entity must describe in de-
5 tail the point in time and the manner in which the
6 entity disposed of or converted the property.

7 (3) Whether the entity has provided restitution
8 and reparations to all identifiable victims of the de-
9 portations described in subsection (a) or to their
10 families, and whether the entity has otherwise
11 reached a settlement agreement with all identifiable
12 victims of such deportations or their families.

13 (c) MITIGATING CIRCUMSTANCES.—Any entity that
14 certifies that it had any direct involvement described in
15 subsection (a) may, at its own discretion, provide any miti-
16 gating circumstances in narrative and documentary form
17 and include such narrative and documentary in its disclo-
18 sures.

19 (d) INELIGIBILITY.—Any entity that certifies that it
20 had any direct involvement described in subsection (a)
21 shall be ineligible to be awarded a contract with any agen-
22 cy or instrumentality of a State or local government for
23 any high-speed rail project described in such subsection
24 if such entity has failed to make restitutions and repara-

1 tions or reach a settlement agreement as described in sub-
2 section (b)(3).

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