

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 607. An act to amend the Real Estate Settlement Procedures Act of 1974 to require notice of cancellation rights with respect to private mortgage insurance which is required as a condition of entering into certain federally related mortgage loans and to provide for cancellation of such insurance, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 191. An act to throttle criminal use of guns.

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

S. 1172. An act for the relief of Sylvester Flis.

S. 1213. An act to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 1566. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel, and for other purposes.

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 335) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 335

The SPEAKER pro tempore (Mr. DREIER). The Chair appoints as Members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a

quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT).

NOTIFICATION TO THE SENATE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 336) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 337) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That unless otherwise ordered, before Monday, May 18, 1998, the hour of daily meeting of the House shall be 2 p.m. on Mondays; 11 a.m. on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 18, 1998, until the end of the second session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENTS OF THE HOUSE AND RECESS OR ADJOURNMENT OF THE SENATE

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 201) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 201

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 28, 1998, it stand adjourned until 12:30 p.m. on Tuesday, February 3, 1998; that when the House adjourns on Thursday, February 5, 1998, it stand adjourned until 3 p.m. on Wednesday, February 11, 1998; and that when the House adjourns on Thursday, February 12, 1998, it stand adjourned until 12:30 p.m. on Tuesday, February 24, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, February 13, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, February 23, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on

the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1245

HOOR OF MEETING ON WEDNESDAY, JANUARY 28, 1998

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on 1:00 p.m. Wednesday, January 28, 1998.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, January 28, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOLOCAUST VICTIMS REDRESS ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate bill (S. 1564) 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, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, and I do not intend to object, but I do want to make a statement on the Record with regard to the unanimous consent request for the House to consider H.R. 1564, the Holocaust Victims Redress Act.

Before I do that I ask the proponents of the bill for an explanation of the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Further reserving the right to object, I yield to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, as the gentleman knows, we attempted to have a hearing on this issue last year. We were unable to because the witness who was to come before us had to cancel his appearance.

Would the gentleman set forth his objections to our bill?

Mr. HAMILTON. Mr. Speaker, I yielded for the purpose of an explanation of the bill. Does the gentleman want me to go ahead and state my objection?

Mr. GILMAN. Please.

Mr. HAMILTON. Mr. Speaker, let me state at the outset that Federal assistance for victims of the Holocaust is a very compelling priority. These victims have suffered as much as any human being. They have known the evil and the brutality that sometimes lurks unfortunately in the heart of man. It is fitting and understandable that the United States should be responsive. Restitution for victims of the Holocaust deserve our support.

Therefore, I will support S. 1564, and I commend my friend the gentleman from Iowa [Mr. JIM LEACH], the chairman of the Committee on Banking and Financial Services, for introducing the companion bill in the House, H.R. 2591.

While I support the substance of this bill and will vote for it and not object to the unanimous consent, I am nonetheless deeply disappointed by the process. This is the first Committee on International Relations bill in this session and the committee, by the chairman's decision, has been bypassed. I do not know of any reason to rush this bill through on the first day of the session without giving members of the Committee on International Relations an opportunity to consider the bill.

I fully understand that the chairman had some difficulty in scheduling administration's witnesses, but that is true on almost any bill we have when we are dealing with high level administration officials. H.R. 2591 was referred solely to the Committee on International Relations on October 1 of last year. Despite my request, the committee has not held a single hearing on the bill. There has been no committee deliberation on it and no markup.

S. 1564 was passed by the Senate on November 13th, 1997 and was referred to the committee. It is substantially the same as the bill authored by the gentleman from Iowa [Mr. LEACH] and also did not have any consideration by the House Committee on International Relations. So the committee is taking a bill with a very worthy purpose, handed to us by an outside group and urging its approval without a serious examination of it.

Now, there's nothing wrong or unusual about that, in looking to outside groups for information and advice, but it is not responsible for the Congress—

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I would like to finish my statement, if I may.

Mr. LEACH. The gentleman has the time, of course.

Mr. HAMILTON. But, yes, under my reservation of objection, I will be happy to yield to the gentleman.

Mr. LEACH. I would not be so timorous to ask the gentleman to yield except on a point of fact.

This bill was written exclusively by the chairman of the House Committee on Banking and Financial Services. No outside group presented this bill or suggested the bill prior to its introduction. I state that to the gentleman as a matter of fact and would request a correction.

Mr. HAMILTON. I am quite willing to accept the word of the gentleman from Iowa because I have great confidence in his word.

Mr. LEACH. I thank the gentleman.

Mr. HAMILTON. Mr. Speaker, continuing under my reservation of objection, there is nothing wrong to looking to outside groups for information and advice, but what is not responsible is for the Congress to pass a bill without independently considering the various questions that it raises. The members of the committee have not had an opportunity to study this bill adequately. We do not have any idea of the implications and its dimensions.

This measure begins a new Federal program. Thirty million dollars is authorized for contributions to charitable organizations to assist survivors of the Holocaust but, in my mind at least, many questions abound: Where is the money coming from? Is a new appropriation going to be required? What programs, if any, will be cut in order to allocate the funds for this program? Who determines who gets what relief? Which victims will be compensated, which victims will not be compensated? Will richer beneficiaries get the same amount as poorer beneficiaries? Is this a one-shot deal or the beginning of a permanent program with annual appropriations?

I do not think we are doing our job as a committee and I do not think we are doing our job as a Congress if we cannot delve into such questions.

S. 1564 directs the President to direct his representative to seek and vote for an agreement to make contributions to a reparation fund. My understanding is that creation of such a fund was announced in December 1997. At the very least this inaccuracy would have been corrected at a committee markup.

I understand that there is pressure to act on this bill. It has the broad support of the Congress, it has my support as its stands, but I think we could have done a better job. It has the support of the administration. We all want to do the right thing to help the victims of the Holocaust but the process that we are following is flawed. The committee is not doing its job. The Congress is not in a position to do its job as an institution. I believe a better process would result in a better draft of the bill.

I ardently hope that the Committee on International Relations' first action

this session, waiving jurisdiction, does not mark a trend for the upcoming session. I hope that on measures of important policy issues before the Committee on International Relations during the session, including remaining issues related to Holocaust restitution, we will have timely and balanced consideration in the committee.

I understand there are other Members who may want to speak, and I am happy to yield at this point to the proponents of the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I am happy to yield to the gentleman from New York [Mr. GILMAN], the distinguished chairman.

Mr. GILMAN. Mr. Speaker, in response to the gentleman's concern about waiving jurisdiction, as the gentleman knows we attempted to hold a hearing on this issue last year, at the end of last year. We were unable to because the witness who was to come before us had to cancel his appearance because the Secretary of State was testifying elsewhere on the Hill and the department frowns on having its officers testify on the same day a Secretary is testifying. We tried to accommodate the witness and he was not able to rearrange his schedule.

I understand that, in any event, the Committee on Banking and Financial Services, as the gentleman from Iowa [Mr. LEACH] will testify, held a hearing on this issue in June of 1997, as well as one hearing in a prior Congress in December of 1996. Meanwhile, the Senate passed this measure. It is not a controversial measure, and if we can arrange for the appropriate witnesses to appear, we will certainly conduct a hearing to dig into the issues that the gentleman is raising with regard to the financing.

There are other bills and resolutions on this general subject pending before our committee, but the chairman of the Committee on Banking and Financial Services and I thought that given the fact that survivors are passing away every day while awaiting satisfaction of just claims, that we should move the bill as expeditiously as possible.

I do appreciate my colleague's willingness to allow the bill to move forward at this time and we certainly will try to accommodate his concerns in the coming weeks in this new session.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Mr. Speaker, under my reservation of objection, I will be happy to yield to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, let me first explain some of the background of this bill to my distinguished friend, with whom I have had talks prior to this session and with whose staff we have consulted.

This bill is the result of several extensive hearings in the House Committee on Banking and Financial Services

that will be followed up by more hearings in the next several weeks. The bill, as I would repeat again, was introduced after these hearings at the exclusive instigation of the chairman of the Committee on Banking and Financial Services. And I would say to my distinguished friend, the implication of outside group pressure is not a very appropriate one.

I would also say that one of the back-grounds for trying to push the bill at the very end of the last session related, A, to the fact that the Senate passed it in virtual identical form to the bill that my distinguished colleague the gentleman from New York [Mr. GILMAN] and I introduced with broad bipartisan support, including the gentleman from New York [Mr. LAFALCE], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Illinois [Mr. YATES], another gentleman from Illinois [Mr. JACKSON]; and on the Republican side the gentleman from Pennsylvania [Mr. FOX], the gentleman from Maryland [Mrs. MORELLA], and the gentleman from New York [Mrs. KELLY].

This bill caught the so-called groups that the gentleman implies are behind it by surprise. It was exclusively based upon hearings before the Committee on Banking and Financial Services, and the timing related to the fact that international negotiations were to commence in December to deal with this subject matter calling for international support. And we wanted to make it clear that the United States would be a participant so that our participation could help leverage substantial foreign support.

□ 1300

Now, the gentleman from Indiana (Mr. HAMILTON) indicates that he believes the bill is faultily crafted in a timing sense at this point in time because certain negotiations have occurred.

The gentleman is partially but not fully correct. The decision that was made in the negotiations in December opened up the prospect of further international support, but no agreement has been made on what support individual countries will make. So the bill, in its verbiage, is entirely appropriate and entirely accurate.

Now let me go back a little bit about what stands behind the bill. This bill was initially introduced in the House of Representatives. It would provide \$25 million as a U.S. contribution to the organizations serving survivors of the Holocaust and an additional \$5 million for archival research to be managed by the Holocaust Museum.

The second aspect, the additional \$5 million for the Holocaust Museum, came from the United States Senate, one that I believe is thoroughly appropriate. Our bill only referenced the Holocaust Museum without a designated number. But I believe it is appropriate, as the Senate has done, to put in a precise number.

The bill would also declare the sense of Congress that all governments take appropriate actions to ensure that artwork seized or extorted by the Nazis or by the Soviets be returned to their original owners or heirs. I think that is an entirely appropriate position for the United States Government to take and this Congress in particular. After all, the Holocaust was the greatest crime in history; and I believe this bill is something that provides a material redress and is entirely appropriate.

But, most of all, this bill is a reminder that the past must never be forgotten. Sometimes issues of the past are more controversial than issues of the present; and sometimes there is nothing more difficult than to judge the past, to establish what might be described as retrospective justice.

It must be understood that history doesn't have a statute of limitations. People cannot be allowed to disappear from the earth without tracks, without moral if not monetary restitution. And when one really thinks it through, one has to recognize that one of the impelling aspects of the Holocaust was avarice. This bill says, in effect, that even at a very late moment in time avarice will not be rewarded.

Finally, let me indicate to the gentleman from Indiana (Mr. HAMILTON), because he has raised some questions that I believe are specifically answered in the legislative language, this bill is not a new appropriation. It is a redirection of formerly appropriated funds. There are no ongoing implications of funding. It is entirely designed to assist the Department of State in its current ongoing activities.

It has the strong support of the administration; and here I want to tip my hat to the Under Secretary of State, Stuart Eizenstat, for his leadership on this issue, which I think has been thoroughly appropriate.

Finally, let me also say as strongly as I can to the gentleman from Indiana (Mr. HAMILTON), for whom I have no higher respect of anyone in this body, that the hearing record established in the House Committee on Banking and Financial Services is extensive and extraordinary.

I had not, in working on the legislation, intended that the resources be derived from the State Department budget. But that is what the administration recommended; and, therefore, that is the way this bill is designed.

But I would assure the gentleman that the hearing record is extensive, it is compelling, and it is extraordinary. I recognize that the gentleman has certain concerns. I also recognize that the gentleman is supportive, and for that I am very appreciative.

Mr. HAMILTON. Mr. Speaker, reclaiming my time, may I simply say to my good friends, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Serv-

ices, that I don't mean to be too critical here of their conduct. I understand that they operate under considerable pressures, particularly with an important bill like this is.

I do think my position with regard to process here is entirely correct. This is an important bill. It does require a substantial authorization. It could very well be an authorization that will be repeated in the years ahead.

Very few members of this institution know very much about this bill. The House Committee on International Relations was the committee of jurisdiction, not the Committee on Banking and Financial Services. We did not have hearings on it. We did not have any discussions on it. It simply comes to the floor.

I do not see how any Member can defend that kind of a process for an important bill, and I rise only on the point of process and that is all.

Mr. HAMILTON. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman very much for yielding.

As I assured the gentleman before, we will conduct whatever hearings are needed to fully explain the issues that the gentleman has raised.

I wanted to thank the gentleman from Iowa (Mr. LEACH) for bringing the measure before us. He endeavored to do this at the end of the last session, and because of the business at hand we were not able to do it at that time.

I rise in strong support of this measure; and I wanted to take the opportunity to commend our colleague, the gentleman from Iowa (Mr. LEACH), for his leadership on this important issue. As chairman of our Committee on Banking and Financial Services and as senior member of our House Committee on International Relations, Chairman LEACH expended a great deal of effort to make certain that justice would be achieved for victims whose assets were confiscated by the Nazis and looked into the issue extensively.

The heinous crimes conducted by the Nazis decades ago still leave their mark today as elderly survivors struggle around the world to meet even their most basic needs and as heirs discover that valued family possessions, such as paintings, are hanging today in museums and private homes around the globe.

The Holocaust Victims Redress Act recognizes that there are numerous Jewish victims of the Holocaust who still remain uncompensated and who are in dire financial circumstances in their twilight years. Accordingly, the Leach bill authorizes \$25 million to support restitution efforts to survivors residing in our Nation and elsewhere; and an additional \$5 million is authorized to the Holocaust Memorial Museum to be distributed for archive value research to assist in the resolution of assets that were looted or extorted from the victims of the Holocaust.

Our Nation, under Secretary Eizenstat's initiative, is pressing 15 claimant nations for the speedy distribution of nearly six metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold. This is the body established by France, by Great Britain and our Nation at the end of World War II to return gold looted by Nazi Germany to the central banks of nations occupied during the war by Germany.

Our Nation asks that these nations contribute a substantial portion of any distribution they received to Holocaust survivors in recognition of the recently documented fact that this gold includes gold stolen from the individual victims in the Holocaust. This measure also expresses a sense of Congress that all governments should undertake in good faith to facilitate the return of private and public properties, such as works of art, to the rightful owners in cases where assets were confiscated during the Holocaust and where there is reasonable proof that the claimant is the rightful owner.

This sense of the Congress resolution builds on the London Conference on Nazi Gold held in December, since the Holocaust Museum announced in London that it will sponsor a follow-on conference on looted artwork and other assets early this summer.

Having recently visited Poland with some of my colleagues, I became familiar with Poland's efforts to speed up the restitution of Jewish communal properties. We commend the Polish government for their recent legislation and hope that those funds might be used to clarify issues related to the ownership of those properties, and we hope other countries will follow suit.

Accordingly, the legislation before us will be of great assistance in helping our Nation to move the issue of asset restitution forward and is most worthy of our consideration.

Mr. Speaker, I urge my colleagues to join in support of this measure.

I thank the gentleman from Indiana (Mr. HAMILTON) for yielding me the time.

Mr. HAMILTON. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I rise on the reservation of the gentleman from Indiana (Mr. HAMILTON) not because I do not support the bill. In fact, I do support the bill and compliment the gentleman from Iowa (Mr. LEACH) on his efforts to put this legislation together. I had, however, hoped to offer an amendment to it in order to address an issue of equal gravity to Holocaust survivors. That is the issue of unpaid life insurance policies from the Holocaust.

Recently, I received a letter from a constituent outlining his attempt to collect on the life insurance policy owed to his father who was killed by the Nazis. He was given \$30 for the life

of his father and has never heard from the insurance company again. Because of this story and others like it and the fact that there were over 1.3 million policies sold to Germans at the time, Congress must act to right this wrong.

In light of the circumstances under which the bill is being considered, I will now introduce legislation today requiring European insurance companies to report to the Attorney General the names of anyone they insured who is listed on either the Holocaust Museum's Registry of Jewish Holocaust Survivors or on Yad Veshem's Hall of Names in Jerusalem.

Had the opportunity been presented, I would have offered this, the Comprehensive Holocaust Accountability in Insurance Measure, as an answer to the legislation presently before us. Of course, I am very pleased that the House is able to act quickly at the beginning of this session to redress victims of the Holocaust. They have awaited reparations for so long, and this measure is a step in the right direction. I only wish that it had been a larger step for victims of the Holocaust.

Mr. Speaker, I include for the RECORD the following:

JANUARY 21, 1998.

U.S. Congressman MARK FOLEY

DEAR SIR: I read in the Palm Beach Post of 1/21/98 that you are going after the insurance crooks such as the German Allianz.

Many years ago (it must be may be 30 years ago—or somewhat less) I received a letter from Allianz where they had found that my father had a life insurance with them—and they were settling with me as his heir.

They sent me the princely sum of about 20 to 30 dollars and said that the claim thus was settled.

I never heard from them again and at the time I felt it was hopeless to go any further.

Anyhow in the files of Allianz there is definitely the name of (my father who was murdered by the Nazis) and my name.

Thank you.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank the gentleman from Indiana (Mr. HAMILTON) for yielding.

First, let me say, the gentleman has discussed this issue with me; and I would say the gentleman's leadership is very appreciated. It is the gentleman from Iowa's belief that the insurance issue is much larger than the banking issue, and we will be holding a hearing on February 12 on this issue. I believe it is a very important subject matter of a little different dimension and direction, and we intend to pursue legislation in this arena, and I believe it is very important that we do so.

I would only ask the indulgence of the gentleman from Indiana (Mr. HAMILTON) to make a point, though, that I think has been misunderstood by the other side. That is, not only was this bill introduced at the exclusive direction of the chairman of the House Committee on Banking and Financial Serv-

ices without any prior input from any source, the pressure to bring it to the floor entirely emanates from the chairman of the House Committee on Banking and Financial Services, partly because of disappointment that it was not brought just as the House came to adjournment because of the timing matters that occurred then. And the leadership agreed that they would bring it up as the first item of this session, which I think is very important, and partly because it is the view of the gentleman from Iowa that, in a negotiating circumstance, it is very important to press forward.

I raise this as profoundly as I can because the implications on this House floor that there are pressures from outside groups is inappropriate.

This bill is a statement of the moral direction of the House of Representatives as a reflection of the American people, not of any particular group.

Mr. HAMILTON. Mr. Speaker, reserving the right to object, may I simply say that we just had an example of why this bill should go through the regular process. A Member of this institution wanted to offer an amendment to it. He is excluded from doing so.

Now, that is the name of my objection here. We have orderly processes in this House. We ought to follow them.

A Member on the other side of the aisle was excluded from offering an amendment. Why? Because my colleague wanted to push this thing through on unanimous consent today. That is not the way the House of Representatives should do business.

Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

□ 1315

Mr. ENGEL. Mr. Speaker, I thank my friend from Indiana for yielding.

Mr. Speaker, I certainly am sympathetic to the bill, but I think the gentleman from Indiana (Mr. HAMILTON) does make a valid point about committees and committee process and committee hearings.

I want to add my voice in support of the underlying legislation. For several months now I have been working on legislation which would force insurance companies that have not paid Holocaust victims what they are supposed to be paid, to force them to do so. I think one of the most obscene things that has come to light during this whole process has been the role of the insurance companies in stonewalling and not paying Holocaust victims and their families and descendants what is rightfully due to them. So I think it is very, very important in this Congress that we focus on this issue and that we move on this issue.

I am a member of the Committee on Commerce, and the bill will come through the Committee on Commerce in terms of the bill forcing insurance companies. I already have several co-sponsors, and will drop the bill in today. I am working with the Holocaust Museum and the people of the

Holocaust Museum on this bill. I think that it is very, very important that we move swiftly on the bill that I am dropping in today, which has bipartisan support.

I wanted to make this comment because I think this issue is very, very important. I am very sympathetic to the objections of my friend, the gentleman from Indiana (Mr. HAMILTON), and I hope we can resolve this so this very important legislation, as well as my legislation, gets passed very, very soon, so that the victims of the Holocaust and their descendants will at least get what is rightfully due them.

Mr. HAMILTON. Mr. Speaker, before I withdraw my reservation, may I say I was pleased to have the assurance of the two chairmen, the gentlemen from Iowa (Mr. LEACH) and the gentleman from New York (Mr. GILMAN) that there will be further hearings on the bill. I thank them for that, and look forward to cooperating with them in that regard.

Mr. Speaker, the Holocaust Victims Redress Act, the result of a series of hearings in the House Banking Committee, is a virtual carbon copy of a bill introduced by Chairman GILMAN and myself in the previous session. There are a number of co-sponsors, including Members from both sides of the aisle: Congressmen JOHN LAFALCE, KEN BENSTEN, MARTIN FROST, SIDNEY YATES, JESSE JACKSON, Jr., LUIS GUTIERREZ, JON FOX, MICHAEL McNULTY, JIM SAXTON, JAMES MCGOVERN, BARNEY FRANK, BRAD SHERMAN, and MARK FOLEY; and Congresswomen CONNIE MORELLA, CAROLYN MALONEY, and SUE KELLY.

The bill authorizes up to \$25 million as a U.S. contribution to organizations serving survivors of the Holocaust and an additional \$5 million for archival research, to be managed by the Holocaust Museum, to assist in the restitution of assets looted or extorted from Holocaust victims by the Nazis. It would also declare the sense of Congress that all governments take appropriate action to ensure that artworks confiscated by the Nazis, or by the Soviets, be returned to their original owners or their heirs.

The Holocaust was the greatest crime in human history. This measure will provide some material redress for inadequate restitution of assets seized by the American government during World War II which belonged to Holocaust victims.

But most of all, this measure is a reminder the past must never be forgotten and that it is often more controversial than issues of the present.

While little is more difficult than to judge the past, to establish what in this case must be called retrospective justice, it must be understood that history does not have a statute of limitations. People cannot be allowed to disappear from earth without tracks, without moral if not monetary restitution.

The genesis for this proposal dates back to hearings which the Committee on Banking and Financial Services has held since December 1996, chronicling how the Nazis looted gold from the central banks of Europe as well as from individual Holocaust victims.

Following World War II, the Tripartite Gold Commission, consisting of the United States, the United Kingdom and France, was created

to oversee the recovery and return of Nazi-looted gold to the countries from which it was stolen. Most of the gold recovered during that period was long ago returned to claimant countries. However, a small portion of that gold remains to be distributed. The amount of gold in TGC custody, amount to six metric tons, is worth anywhere from \$50 million to \$70 million depending on the price of gold at a given time. Fifteen nations hold claim to some portion of that gold.

The case for speedy final distribution of the remaining gold pool to Holocaust survivors is compelling. The moral case for such a distribution was strengthened by the horrific revelation in a May 1997 report from Under Secretary of State Stuart Eizenstat that Nazi Germany co-mingled victim gold, taken from the personal property of Holocaust victims, including their dental fillings, with monetary gold, re-smelting it into gold bars which the Nazis traded for hard currency to finance the war effort.

This bill would put the Congress on record in strong support of the State Department's appeal to claimant nations to contribute their TGC gold to Holocaust survivors and strengthen the Department's hand in seeking this goal by authorizing the President to commit the United States to a voluntary donation of up to \$25 million for this purpose. A voluntary contribution on our part would go a long way in facilitating a similar gesture of generosity from others who may be claimants of the gold pool or who may have reason to provide redress for actions taken during the dark night of the human soul we call the Holocaust.

I had hoped that the House would act on this bill at the end of the last session so the U.S. delegation attending an international conference on Nazi-looted gold in London in December could report that the U.S. had agreed to make a contribution to this fund. Nevertheless, I am pleased that the House is taking up the bill today at the first opportunity of this session.

I might add that a contribution of this nature by the United States would also serve as an act of conscience on the part of this nation. As the bill indicates in the findings, there was an unknown quantity of heirless assets of Holocaust victims in the United States after World War II. A 1941 census of foreign assets in the United States identified \$198 million in German-owned assets in the United States as well as another \$1.2 billion in Swiss assets. Assets inventoried in the census included bank accounts, securities, trusts, and other items. In the years following World War II, Congress recognized that some of the assets held in the United States may have in fact belonged to Jewish victims of the Holocaust who had sent their assets abroad for safekeeping.

Given this circumstance, Congress authorized up to \$3 million in claims for such heirless assets to be awarded to a successor organization to provide relief and rehabilitation for needy survivors. However, the political difficulties associated with such a commitment led Congress ultimately to settle on a \$500,000 contribution. Although the documentary record on asset ownership remains sparse, it is likely that heirless assets in the U.S. were worth much more than the 1962 settlement figure.

A precise accounting of claims will remain unknowable, but the fact that the United States committed itself to such a modest amount in settlement for victim claims pro-

vides justification for the United States to make an inflation-adjusted contribution today for victim funds mingled with Nazi assets located in and seized by the United States during the war.

In testimony before our Committee last year, Under Secretary Eizenstat urged that a better accounting be made for the fate of heirless assets in banks in the United States, and that the issue of World War II-era insurance policies, securities and art work also be examined. To help answer these questions, the legislation would direct \$5 million to the United States Holocaust Museum for archival research to assist in the restitution of assets of all types looted or extorted from Holocaust victims, and activities that would support Holocaust remembrance and education activities.

I am pleased to report that the London conference mentioned earlier, Under Secretary of State Eizenstat announced that the United States would host a second international conference in 1998 to look further into the issue of assets looted by the Nazis. In that context, it is important to note that the second title of the bill deals with Nazi-looted art which is expected to be among the topics to be discussed at the next conference.

A witness at the Banking Committee's hearing last June noted that, "The twelve years of the Nazi era mark the greatest displacement of art in history." Under international legal principles dating back to the Hague Convention of 1907, pillaging during war is forbidden as is the seizure of works of art. In defiance of international standards, the Nazis looted valuable works of art from their own citizens and institutions as well as from people and institutions in France and Holland and other occupied countries. This grand theft of art helped the Nazis finance their war. Avarice served as an incentive to genocide with the ultimate in governmental censorship being reflected in the Aryan supremacist notion that certain modern art was degenerate and thus disposable.

The Nazis purged state museums of impressionist, abstract, expressionist, and religious art as well as art they deemed to be politically or racially incorrect. Private Jewish art collections in Germany and Nazi-occupied countries were confiscated while others were extorted from their owners. Still others were exchanged by their owners for exit permits to flee the country. As the Nazis sold works of art for hard currency to finance the war, many artworks disappeared into the international marketplace. Efforts following the war to return the looted art to original owners were successful to a degree, but to this day many items remain lost to their original owners and heirs.

It is interesting to note that when the French Vichy government tried to object on international legal grounds to Nazi confiscation of art owned by Jewish citizens in France, the Germans responded that such individuals (including those who were sent to concentration camps) had been declared by French authorities no longer to be citizens. Hence, the Nazis claimed that the 1907 Hague Convention, which prohibits the confiscation of assets from citizens in occupied countries, did not apply.

This reasoning cannot be tolerated by civilized people, and one purpose of the legislation before us today is to underline that the restitution of these works of art to their rightful owners is required by international law, as spelled out in the 1907 Hague Convention. The return of war booty ought to be a goal of

civilized nations even at this late date, long after the end of World War II. For that reason, I have included in the legislation a sense of Congress urging all governments to take appropriate actions to achieve this end.

The Holocaust may have been a war within a war—one fought against defined individuals and civilized values—but it was an integral part of the larger world war among states. Hence, the international principles prohibiting the theft of art and private property during wartime should be applied with equal rigor in instances of genocidal war within a country's borders or conquered territory.

In closing, I would like to announce that the Committee on Banking and Financial Services will be holding its third hearing on the subject of Nazi-looted gold, dormant bank accounts in Switzerland, and other assets taken from victims of the Holocaust on February 12. At that time, the Committee plans to hear testimony from Under Secretary Eizenstat, Swiss Ambassador Thomas Borer, and two panels of witnesses discussing the topics of looted art and insurance.

Again, Mr. Speaker, I urge the unanimous adoption of S. 1564. Thank you.

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding to me. I want to express my strong support for the passage of this legislation.

Let me say at the outset that I share the concerns which were raised by the distinguished ranking member of the Committee on International Relations, Mr. HAMILTON, about the inappropriate way in which this bill comes to the floor of the House today. We should have held hearings, and we should have had proper consideration of this legislation in the Committee. There is not such urgency in the adoption of this legislation that we could not have followed regular procedures in the consideration of this bill.

Having said that, however, Mr. Speaker, I want to indicate my strong support for S. 1564—the Holocaust Victims Redress Act. I want to thank my dear friend, Congressman JIM LEACH, the Chairman of the Banking Committee, who introduced a similar bill in the House of Representatives and who has shown great sympathy for this issue. I also want to thank my dear friend, Congressman BEN GILMAN, the Chairman of the International Relations Committee, for his efforts and support of this legislation.

Mr. Speaker, the Holocaust Victims Redress Act directs that the United States government support the contribution of all or of a substantial portion of the gold remaining under the control of the Tripartite Gold Commission to charitable organizations to assist survivors of the Holocaust. It also authorizes the President to obligate up to \$30 million for such distribution. It authorizes appropriations for archival research to assist in the restitution of assets looted from Holocaust victims and for other activities to further Holocaust remembrance and education. The legislation urges efforts to facilitate the return of private and public property—primarily works of art—which were seized during the period of Nazi rule to the rightful owners in cases where the ownership can be established.

Mr. Speaker, it is most appropriate that we take the action proposed in this legislation. Thousands and thousands of the victims of Nazi terror suffered the destruction of their lives, the murder of their family members, and

debilitating illnesses resulting from their unbelievable hardships. It is only appropriate that we acknowledge this suffering and take these modest steps to assist the victims.

The Administration has indicated its support for the approach that this legislation takes. The United States government recognizes that a portion of the gold looted by the Nazis contained a significant amount of gold stolen or coerced from victims of the Holocaust. I am delighted that the Administration favors the proposal that the remaining gold, or most of it, be contributed to the "Special Persecutee Relief Fund" which was announced in December 1997, and I welcome the positive reaction from many of the potential donors to this fund. I do hope, Mr. Speaker, that the neutral countries who received Nazi gold during the course of World War II will also make generous contributions to this fund. It is most appropriate in view of the benefits they enjoyed as a result of the Nazi gold that was moved to their countries during the war.

I am also pleased, Mr. Speaker, that the Administration has shown United States leadership by indicating our intention to participate in this fund with a contribution of up to \$25 million. This should be an incentive for countries which have claims under the Tripartite Gold Commission and countries which were neutral in World War II to join in making significant contributions to this fund. Our contribution is indeed a modest amount—and I hope that our participation will increase—but I do hope that it will encourage others.

Mr. Speaker, no amount of monetary reparation and no amount of recognition or expressions of sorrow can ever compensate for the unspeakable suffering that the victims of the Holocaust have endured. It is important, however, that we make this gesture of recognition—regardless of how small it is in the face of the enormity of the injustice against these victims.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holocaust Victims Redress Act".

TITLE I—HEIRLESS ASSETS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Among the \$198,000,000 in German assets located in the United States and seized by the United States Government in World War II were believed to be bank accounts, trusts, securities, or other assets belonging to Jewish victims of the Holocaust.

(2) Among an estimated \$1,200,000,000 in assets of Swiss nationals and institutions which were frozen by the United States Government during World War II (including over \$400,000,000 in bank deposits) were assets whose beneficial owners were believed to include victims of the Holocaust.

(3) In the aftermath of the war, the Congress recognized that some of the victims of the Holocaust whose assets were among those seized or frozen during the war might

not have any legal heirs, and legislation was enacted to authorize the transfer of up to \$3,000,000 of such assets to organizations dedicated to providing relief and rehabilitation for survivors of the Holocaust.

(4) Although the Congress and the Administration authorized the transfer of such amount to the relief organizations referred to in paragraph (3), the enormous administrative difficulties and cost involved in proving legal ownership of such assets, directly or beneficially, by victims of the Holocaust, and proving the existence or absence of heirs of such victims, led the Congress in 1962 to agree to a lump-sum settlement and to provide \$500,000 for the Jewish Restitution Successor Organization of New York, such sum amounting to 1/6th of the authorized maximum level of "heirless" assets to be transferred.

(5) In June of 1997, a representative of the Secretary of State, in testimony before the Congress, urged the reconsideration of the limited \$500,000 settlement.

(6) While a precisely accurate accounting of "heirless" assets may be impossible, good conscience warrants the recognition that the victims of the Holocaust have a compelling moral claim to the unrestituted portion of assets referred to in paragraph (3).

(7) Furthermore, leadership by the United States in meeting obligations to Holocaust victims would strengthen—

(A) the efforts of the United States to press for the speedy distribution of the remaining nearly 6 metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold (the body established by France, Great Britain, and the United States at the end of World War II to return gold looted by Nazi Germany to the central banks of countries occupied by Germany during the war); and

(B) the appeals by the United States to the 15 nations claiming a portion of such gold to contribute a substantial portion of any such distribution to Holocaust survivors in recognition of the recently documented fact that the gold held by the Commission includes gold stolen from individual victims of the Holocaust.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide a measure of justice to survivors of the Holocaust all around the world while they are still alive.

(2) To authorize the appropriation of an amount which is at least equal to the present value of the difference between the amount which was authorized to be transferred to successor organizations to compensate for assets in the United States of heirless victims of the Holocaust and the amount actually paid in 1962 to the Jewish Restitution Successor Organization of New York for that purpose.

(3) To facilitate efforts by the United States to seek an agreement whereby nations with claims against gold held by the Tripartite Commission for the Restitution of Monetary Gold would contribute all, or a substantial portion, of that gold to charitable organizations to assist survivors of the Holocaust.

SEC. 102. DISTRIBUTIONS BY THE TRIPARTITE GOLD COMMISSION.

(a) DIRECTIONS TO THE PRESIDENT.—The President shall direct the commissioner representing the United States on the Tripartite Commission for the Restitution of Monetary Gold, established pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under which all signatories to the Paris Agreement on Reparation, with claims against the monetary gold pool in the jurisdiction of such Commission, contribute all, or a substantial

portion, of such gold to charitable organizations to assist survivors of the Holocaust.

(b) AUTHORITY TO OBLIGATE THE UNITED STATES.—

(1) IN GENERAL.—From funds otherwise obligated in the Treasury of the United States, the President is authorized to obligate subject to paragraph (2) an amount not to exceed \$30,000,000 for distribution in accordance with subsections (a) and (b).

(2) CONFORMANCE WITH BUDGET ACT REQUIREMENT.—Any budget authority contained in paragraph (1) shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 103. FULFILLMENT OF OBLIGATION OF THE UNITED STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal years 1998, 1999, and 2000, not to exceed a total of \$25,000,000 for all such fiscal years, for distribution to organizations as may be specified in any agreement concluded pursuant to section 102.

(b) ARCHIVAL RESEARCH.—There are authorized to be appropriated to the President \$5,000,000 for archival research and translation services to assist in the restitution of assets looted or extorted from victims of the Holocaust and such other activities that would further Holocaust remembrance and education.

TITLE II—WORKS OF ART

SEC. 201. FINDINGS.

Congress finds as follows:

(1) Established pre-World War II principles of international law, as enunciated in Articles 47 and 56 of the Regulations annexed to the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land, prohibited pillage and the seizure of works of art.

(2) In the years since World War II, international sanctions against confiscation of works of art have been amplified through such conventions as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which forbids the illegal export of art work and calls for its earliest possible restitution to its rightful owner.

(3) In defiance of the 1907 Hague Convention, the Nazis extorted and looted art from individuals and institutions in countries it occupied during World War II and used such booty to help finance their war of aggression.

(4) The Nazis' policy of looting art was a critical element and incentive in their campaign of genocide against individuals of Jewish and other religious and cultural heritage and, in this context, the Holocaust, while standing as a civil war against defined individuals and civilized values, must be considered a fundamental aspect of the world war unleashed on the continent.

(5) Hence, the same international legal principles applied among states should be applied to art and other assets stolen from victims of the Holocaust.

(6) In the aftermath of the war, art and other assets were transferred from territory previously controlled by the Nazis to the Union of Soviet Socialist Republics, much of which has not been returned to rightful owners.

SEC. 202. SENSE OF THE CONGRESS REGARDING RESTITUTION OF PRIVATE PROPERTY, SUCH AS WORKS OF ART.

It is the sense of the Congress that consistent with the 1907 Hague Convention, all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the right-

ful 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.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1564, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HON. SONNY BONO, REPRESENTATIVE FROM THE STATE OF CALIFORNIA.

Mr. LEWIS of California. Mr. Speaker, I offer a privileged resolution (H. Res. 338) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

Resolved, That the House has heard with profound sorrow of the death of the Honorable Sonny Bono, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS), the dean of the California Congressional delegation, is recognized for 1 hour.

Mr. LEWIS of California. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. BROWN).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was with great sadness that I was awakened in the middle of the night during the recess. I want to share with my colleagues that I was struggling in my subconscious, attempting to put together words that were of condolence to my colleague the gentleman from Massachusetts [Mr. KENNEDY] regarding the recent tragic loss in his family, only to be awakened by a telephone call from a reporter, Jim Specht, who writes for a number of newspapers in our region, Jim told me of the tragic accident that led to the death of our friend and colleague, SONNY BONO.

To say the least, we were all shocked by this development. SONNY BONO is one of those very, very unusual people you meet very rarely in public life or in life in general.

SONNY is survived by his oldest children, Christy and Chastity, and by his lovely wife Mary and their children, Chesare, who is 9 years of age, about to be 10, and Chianna, who is 6.

During the time he was with us, SONNY demonstrated to all of us that he is one of the most unusual characters you could ever meet. But by way of background, SONNY BONO came to California when he was 7 years old and moved to Los Angeles. Following high school he got his first job, that of being a meat truck driver. I think we all know that his heart lay in the entertainment business. In those early days he was developing his skills as a music writer. Often on those trips around the city of Los Angeles making stops for his product purpose, he would also drop off at various locations various songs that he had developed.

SONNY's talent became very apparent to all the world when his then girlfriend, Cherilyn Sarkasian, and he made their first recording together, among a number of recordings that led to that show known as Sonny and Cher. Between 1971 and 1974, Sonny and Cher were among the great hits across the country. They had an impact upon young people of that age that is remembered by all.

Following that work, which eventually came to an end, the partnership came to an end, about 1974, SONNY went on with his business over a period of time. He then took the next step in terms of his most amazing career. In the early 1980s, he established what were to become known as Bono Restaurants, first in Los Angeles, then in Texas. I began to personally get to know SONNY when he opened such a restaurant in Palm Springs, California. At that time, the location of the restaurant was actually in my own district.

In Palm Springs, he quickly became known by anybody who enjoyed both the entertainment as well as the fun restaurant opportunity in Palm Springs. As he developed that process in Palm Springs, he found himself having some difficulty with local government regulations. It seems there was a conflict that arose over a sign that he needed for his restaurant. Local bureaucracy, he would suggest, was getting in the way. That kind of led to a minibattle that caused SONNY a different way, perhaps for the first time, to especially focus upon politics.

With that confrontation, when the local person resisted what he thought was sensible public policy, he indicated that maybe the best alternative for him was to run for office and become that person's boss, SONNY wanted to make sure that sense was made out of local policy. With that, SONNY became the mayor of Palm Springs.

Known by all in Southern California in connection with that, after some time carrying forward that work, he ran for the U.S. Senate. I mention that, even though he was unsuccessful in the primary process, only by way of