

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Sands offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 2525 and 2526, insert:

5 Section 74. (1) Any entity that applies for a contract
6 with the Department of Transportation or any other agency or
7 instrumentality of the state or a local government for any rail
8 project, including, but not limited to, the design, engineering,
9 construction, manufacture, or operation of a rail network or any
10 components thereof, that is either partially or fully publicly
11 funded shall, in advance of submitting a formal bid to the
12 agency, certify to the agency whether or not such entity had any
13 direct involvement in the deportation of any individual to
14 extermination camps, death camps, or any facility used for the
15 purpose of transiting individuals to extermination or death

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16 camps during the period beginning on January 1, 1939, and ending
17 on December 31, 1944.

18 (2) If an entity certifies that it had any direct
19 involvement described in subsection (1), the entity shall, in
20 advance of submitting a formal bid to the agency, disclose to
21 the agency or instrumentality of the state or local government
22 the following:

23 (a) Whether the entity has any records related to the
24 deportations in its possession, custody, or control, as well as
25 the specific locations where such records are maintained,
26 including the full contents and addresses of any archives or any
27 other locations where the entity maintains records.

28 1. If an entity acknowledges that it has any such records,
29 it shall provide a detailed index of such records by location,
30 including, but not limited to, a list of moneys received for
31 such deportations broken down by individual convoys and persons
32 and a full accounting of every piece of property taken or
33 confiscated in connection with the deportations.

34 2. If the entity does not currently have in its custody or
35 control any or all of the property taken or confiscated in
36 connection with the deportations, the entity shall describe in
37 detail the point in time and the manner in which the entity
38 disposed of or converted the property, any property exchanged
39 for the expropriated property currently owned or operated by the
40 entity, any property presently owned or derived from the
41 expropriated property, and any other derivative or traceable
42 property remaining in the entity's possession, custody, or
43 control as a result of such actions.

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44 3. If any records related to the deportation of
45 individuals during the Holocaust have been made public, the
46 entity shall confirm that the materials made available for
47 public review constitute any and all such records, including,
48 but not limited to, correspondence, receipts, invoices,
49 presentations, audits, confiscated property, and any other
50 relevant materials, regardless of the date created or attained.

51 (b) Whether the entity itself has provided restitution or
52 reparations to all identifiable victims of those deportations.
53 If an entity represents that such restitution or reparations
54 have been provided, the entity shall disclose in detail and
55 provide a list of individuals and heirs and the amount of such
56 restitution or reparations provided by such entity.

57 (3) All of the disclosures described in subsection (2)
58 shall be considered as a factor in the award of any and all rail
59 contracts and grants.

60 (4) As used in this section, the term:

61 (a) "Direct involvement" means ownership or operation of
62 the trains on which individuals were deported to extermination
63 camps, death camps, or any facility used for the purpose of
64 transiting individuals to extermination or death camps, during
65 the period beginning on January 1, 1939, and ending on December
66 31, 1944.

67 (b) "Entity" means any corporation, affiliate, or other
68 entity that controls, is controlled by or is under common
69 control with, or is a member of a partnership or a consortium
70 with an entity that certifies that it had any direct involvement
71 described in paragraph (a). An entity is presumed to be in

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72 control of another corporation or entity if it directly or
 73 indirectly controls more than 50 percent of the voting
 74 securities of the other corporation or entity. The term applies
 75 irrespective of whether or not any equity interest in the entity
 76 is or was owned by a foreign government, and, if an equity
 77 interest in the entity is or was owned by a foreign government,
 78 the term refers to the corporate entity itself and not to the
 79 foreign government.

80 (c) "Property" means any personal belongings owned or
 81 controlled by the victims of the deportations which may have
 82 been taken or confiscated in connection with the deportations,
 83 including, but not limited to, jewelry, books, artifacts,
 84 precious metals, and currency.

85 (d) "Records" includes, but is not limited to, any
 86 documents, correspondence, memoranda, receipts, invoices,
 87 presentations, audits, and any other related materials.

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T I T L E A M E N D M E N T

91 Remove line 186 and insert:
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 93 changes made by the act; requiring an entity that applies for a
 94 contract for any rail project to disclose certain information
 95 relating to its involvement in certain actions during World War
 96 II; requiring the disclosure to be considered in the award of
 97 any and all rail contracts and grants; providing definitions;
 98 providing effective dates.

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