

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 1660

INTRODUCER: Senator Sobel

SUBJECT: Public Contracts

DATE: April 8, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Spalla	TR	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

Senate Bill 1660 (bill) requires any entity that intends to contract with the Florida Rail Enterprise (enterprise) or other fixed-guideway transportation system to disclose any direct involvement in the deportation of individuals to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps, from 1942 through 1944. The bill would allow any entity disclosing such involvement to provide mitigating narratives or documents. The bill requires the enterprise to note the importance of compliance with these requirements in its procurement solicitation documents, and acknowledge disclosed information when awarding contracts.

This bill creates an undesignated section of the Florida Statutes.

II. Present Situation:

Historical Background

The bill focuses on the deportation of persons to the various categories of camps in Europe between January 1, 1942 (the month of the Wannsee Conference in which the Nazi Regime decided that Jews would be deported from their countries of residence in Europe to concentration camps) through 1944 when deportation was stopped by advancing Allied forces. Many, if not all of the national railroads in Europe at that time were involved in wartime activities, including the transportation of people to concentration and other camps. For example, the Société Nationale des Chemins de Fer Français (French National Railway Corporation - SNCF), which was created as a state enterprise in 1938 when the French government nationalized five private railroad

companies, transported 75,000 Jews from France east to concentration camps.¹ Today, SNCF remains a state owned company.

Similarly, other railroads were also involved in the transportation of deportees in Europe, most notably the Deutsche Reichsbahn, the German national railroad which was created in 1924 and was placed under the control of the Nazi government in 1937. During the period covered by this bill it is well documented that it carried persons to concentration and other kinds of camps. Both SNCF and Deutsche Reichsbahn were compensated to transport persons to the camps.

Following the war, the Deutsche Bundesbahn was created in 1949 as the successor to the Deutsche Reichsbahn and was owned by German government until 1994. The successor to Deutsche Bundesbahn is Deutsche Bahn AG, a private railroad operating company.

Foreign firms and high-speed rail

Any U.S. high-speed rail project will likely depend heavily on the involvement of foreign firms, since no U.S. firm can match the experience of foreign companies in developing and operating high-speed service. For example, SNCF, which has indicated an interest in participating in U.S. projects, operates 1,100 miles of high-speed lines in France. Siemens AG and Deutsche Bahn AG announced a partnership in 2009 to jointly pursue U.S. high speed rail projects. Representatives of Japanese business firms also have shown an interest in participating in the project. The JR Central operates the most heavily traveled high-speed service in the world, the Tokaido Shinkansen, operating between Tokyo and Osaka.

Like many other corporations of the day, Siemens AG, Europes largest engineering conglomerate, supported the Hitler regime during the war, contributed to the war effort and participated in the "Nazification" of the economy. Siemens had many factories in and around notorious concentration camps to build electric switches for military uses.² Although Siemens is today a self-described global leader in the development of high speed rail, there is no evidence showing that Siemens owned or operated any trains used in transporting deportees.

III. Effect of Proposed Changes:

The provisions of the bill:

- Make findings and declarations relative to the Florida high-speed rail passenger proposed system.
- Require any entity that intends to contract with the Florida Passenger Rail Enterprise or a fixed-guideway transportation system to affirmatively certify in advance of submitting a formal bid for contracted work any direct involvement in the deportation of individuals to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps in Europe, from 1942 through 1944.
- Require entities responding in the affirmative to certify the following:

¹ <http://www.bbc.co.uk/news/world-europe-11751246>

² <http://www.jewishvirtuallibrary.org/jsource/Holocaust/Ravensbruck.html>

- Whether it has any records (whenever created) in its possession, custody, or control related to those deportations; and,
- Whether the entity has taken remedial action concerning those deportations, including restitution to all identifiable victims subject to deportation;
- Allow an entity certifying direct involvement in deportations to provide any mitigating circumstances in narrative and documentary form.
- Require the enterprise or a fixed-guideway transportation system to acknowledge the information provided when awarding contracts and to note the importance of complying with the information requests in its procurement solicitation documents.
- Define "direct involvement" to mean ownership or operation of the trains on which persons were deported to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps in Europe during the period from January 1, 1942, through December 31, 1944.
- Define "entity" to mean any corporation, affiliate, or other entity that controls, is controlled by, or is under common control with, or that is a member of a partnership or a consortium with an entity affected by this bill.
- Define "fixed-guideway transportation system" to mean a public transit system for the transporting of people by a conveyance, or a series of conveyances, which is specifically designed for travel on a stationary rail or other guideway, whether located on, above, or under the ground.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.