

Agreement
Between the Government of the United States of America
and
the Government of the Federal Republic of Germany
concerning the Foundation
"Remembrance, Responsibility and the Future"

The Government of the United States of America
and
the Government of the Federal Republic of Germany -

Intending to shape relations between their two States in a spirit of friendship and cooperation for the future and to successfully resolve issues stemming from the past,

Recognizing that the Federal Republic of Germany has, building on Allied legislation and in close consultation with victims' associations and interested Governments, provided, in an unprecedented manner, comprehensive and extensive restitution and compensation to victims of National Socialist persecution,

Noting the historic announcement on February 16, 1999, made by the Federal Chancellor and German companies, in which the companies stated their intention to establish a foundation to compensate forced laborers and others who suffered at the hands of German companies during the National Socialist era and World War II,

Noting that, by means of the Foundation Initiative, its member companies wish to respond to the moral responsibility of German business arising from the use of forced laborers and from damage to property caused by persecution, and from all other wrongs suffered during the National Socialist era and World War II,

Recognizing as legitimate the interest German companies have in all-embracing and enduring legal peace in this matter, and further recognizing that such interest was fundamental to the establishment of the Foundation Initiative,

Noting that the two Governments announced that they welcomed and support the Foundation Initiative,

Noting that the Federal Republic of Germany and German companies have since agreed on the creation of a single Foundation, "Remembrance, Responsibility and the Future" (the "Foundation"), formed under German federal law as an instrumentality of the Federal Republic of Germany and funded by contributions from the Federal Republic of Germany and the German companies,

Recognizing that German business, having contributed substantially to the Foundation, should not be asked or expected to contribute again, in court or elsewhere, for the use of forced laborers or for any wrongs asserted against German companies arising from the National Socialist era and World War II,

Recognizing that it is in the interest of both parties to have a resolution of these issues that is non-adversarial and non-confrontational, outside of litigation,

Recognizing that both parties desire all-embracing and enduring legal peace to advance their foreign policy interests,

Noting in this regard the June 16, 2000, letter of the Assistant to the President of the United States for National Security Affairs and the Counsel to the President of the United States and the July 5, 2000, letter of the Foreign Policy and Security Advisor of the Chancellor of the Federal Republic of Germany, copies of which have been made public,

Having worked as partners, in consultation with other interested parties and governments, to assist German companies to achieve wide support for the total amount of funds and the eligibility criteria of the Foundation and for the establishment of all-embracing and enduring legal peace,

Noting that the Foundation will assure broad coverage of victims and broad participation by companies which would not be possible through judicial proceedings,

Believing that the Foundation will provide as expeditious as possible a mechanism for making fair and speedy payments to now elderly victims,

Having in mind that the Foundation covers, and that it would be in the interests of both parties for the Foundation to be the exclusive remedy and forum for addressing, all claims that have been or may be asserted against German companies arising from the National Socialist era and World War II,

Recalling that for the last 55 years the parties have sought to work to address the consequences of the National Socialist era and World War II through political and governmental acts between the United States and the Federal Republic of Germany,

Noting that this Agreement and the establishment of the Foundation represent a fulfillment of these efforts,

Recognizing that the German Government has tabled a Bill before the German Federal Parliament („Bundestag“) to establish the Foundation -

Have agreed as follows:

Article 1

(1) The parties agree that the Foundation "Remembrance, Responsibility and the Future" covers, and that it would be in their interests for the Foundation to be the exclusive remedy and forum for the resolution of, all claims that have been or may be asserted against German companies arising from the National Socialist era and World War II.

(2) The Federal Republic of Germany agrees to ensure that the Foundation shall provide appropriately extensive publicity concerning its existence, its objectives and the availability of funds.

(3) Annex A sets forth the principles that shall govern the operation of the Foundation. The Federal Republic of Germany assures that the Foundation will be subject to legal supervision by a German governmental authority; any person may request that the German governmental authority take measures to ensure compliance with the legal requirements of the Foundation.

(4) The Federal Republic of Germany agrees that insurance claims that come within the scope of the current claims handling procedures adopted by the International Commission of Holocaust Era Insurance Claims („ICHEIC“) and are made against German insurance companies shall be processed by the companies and the German Insurance Association on the basis of such procedures and on the basis of additional claims handling procedures that may be agreed among the Foundation, ICHEIC, and the German Insurance Association.

Article 2

(1) The United States shall, in all cases in which the United States is notified that a claim described in article 1 (1) has been asserted in a court in the United States, inform its courts through a Statement of Interest, in accordance with Annex B, and, consistent therewith, as it otherwise considers appropriate, that it would be in the foreign policy interests of the United

States for the Foundation to be the exclusive remedy and forum for resolving such claims asserted against German companies as defined in Annex C and that dismissal of such cases would be in its foreign policy interest.

(2) The United States, recognizing the importance of the objectives of this agreement, including all-embracing and enduring legal peace, shall, in a timely manner, use its best efforts, in a manner it considers appropriate, to achieve these objectives with state and local governments.

Article 3

(1) This agreement is intended to complement the creation of the Foundation and to foster all-embracing and enduring legal peace for German companies with respect to the National Socialist era and World War II.

(2) This agreement shall not affect unilateral decisions or bilateral or multilateral agreements that dealt with the consequences of the National Socialist era and World War II.

(3) The United States will not raise any reparations claims against the Federal Republic of Germany.

(4) The United States shall take appropriate steps to oppose any challenge to the sovereign immunity of the Federal Republic of Germany with respect to any claim that may be asserted against the Federal Republic of Germany concerning the consequences of the National Socialist era and World War II.

Article 4

Annexes A, B and C shall be an integral part of this Agreement.

Article 5

This Agreement shall enter into force on the date on which the parties agree by exchange of notes.

DONE at Berlin on the 17th day of July, 2000, in duplicate in the German and English languages, both texts being equally authentic.

For the Government of the
United States of America

For the Government of the
Federal Republic of Germany

The Law on the Creation of a Foundation “Remembrance, Responsibility and Future”

of August 2, 2000, which entered into force on August 12, 2000

(Federal Law Gazette I 1263) amended by the Law of August 4, 2001, which entered into force on August 11, 2001 (Federal Law Gazette I 2036) as well as by the Law of August 21, 2002, which entered into force on August 28, 2002 (Federal Law Gazette I 3347) as well as by the Law of August 19, 2004, which entered into force on August 25, 2004 (Federal Law Gazette I 2166)

Preamble

Recognizing that the National Socialist State inflicted severe injustice on slave laborers and forced laborers, through deportation, internment, exploitation which in some cases extended to destruction through labor, and through a large number of other human rights violations, that German enterprises which participated in the National Socialist injustice bear a historic responsibility and must accept it, that the enterprises which have come together in the Foundation Initiative of German Industry have acknowledged this responsibility, that the injustice committed and the human suffering it caused cannot be truly compensated by financial payments, that the Law comes too late for those who lost their lives as victims of the National Socialist régime or have died in the meantime, the German Bundestag acknowledges political and moral responsibility for the victims of National Socialism. The Bundestag intends to keep alive the memory of the injustice inflicted on the victims for coming generations as well.

The German Bundestag presumes that this Law, the German-U.S. intergovernmental agreement, the accompanying statements of the U.S. Government as well as the Joint Declaration by all parties to the negotiations provide adequate legal security for German enterprises and the Federal Republic of Germany, especially in the United States of America. With the concurrence of the Bundesrat, the Bundestag has passed the following Law:

Section 1: Establishment and Headquarters

- (1) A legally recognized foundation with the name “Remembrance, Responsibility and Future” shall be established under public law. The Foundation comes into being as of the entry into force of this legislation.
- (2) The headquarters of the Foundation shall be in Berlin.

Section 2: Purpose of the Foundation

- (1) The purpose of the Foundation is to make financial compensation available through partner organizations to former forced laborers and to those affected by other injustices from the National Socialist period.
- (2) A “Remembrance and Future” fund will be established within the Foundation. Its continuing task is to use the income primarily produced by the means allocated to it from Foundation monies to foster projects that serve the purposes of better understanding among peoples, the interests of survivors of the National Socialist régime, youth exchange, social justice, remembrance of the threat posed by totalitarian systems and despotism, and international cooperation in humanitarian endeavors. In commemoration and respect of those victims of National Socialist injustice who did not survive, it is also intended to further projects in the interest of their heirs.

Section 3: Donors and the Foundation’s Capital Assets

- (1) Contributors to the Foundation’s capital fund shall be the companies joined together in the Foundation Initiative of German Industry, and the Federal Government.
- (2) The Foundation shall be endowed with a capital fund consisting of the following:

1. Five billion deutschmarks that the companies joined together in the Foundation Initiative of German Industry have agreed to make available, including the payments that German insurance companies have provided to the International Commission on Holocaust Era Insurance Claims or will provide in the future.

2. Five billion deutschmarks that the German Federal Government is making available in the year 2000. The contribution of the Federal Government includes the contributions of enterprises of which the Federal Government is sole owner or in which it has a majority interest.

(3) There is no obligation for the donors to make supplementary payments.

(4) The Foundation is authorized to accept contributions from third parties. It shall endeavor to obtain additional contributions. The contributions are exempt from inheritance tax and gift tax.

(5) Income from the Foundation's capital fund and other income is to be used only for the purposes of the Foundation.

Section 4: The Bodies of the Foundation

The bodies of the Foundation are:

1. the Board of Trustees.
2. the Board of Directors.

Section 5: The Board of Trustees

(1) The Board of Trustees is made up of 27 members, namely:

1. the chairman, to be named by the German Chancellor;
 2. four members to be named by the companies joined together in the Foundation Initiative of German Industry;
 3. five members to be named by the German Bundestag and two by the Bundesrat;
 4. one representative of the Federal Ministry of Finance;
 5. one representative of the Federal Ministry for Foreign Affairs;
 6. one member to be named by the Conference on Jewish Material Claims against Germany;
 7. one member to be named by the Central Council of German Sinti and Roma, the Alliance of German Sinti, and the International Romani Union;
 8. one member to be named by the Government of the State of Israel;
 9. one member to be named by the Government of the United States of America;
 10. one member to be named by the Government of the Republic of Poland;
 11. one member to be named by the Government of the Russian Federation;
 12. one member to be named by the Government of Ukraine;
 13. one member to be named by the Government of the Republic of Belarus;
 14. one member to be named by the Government of the Czech Republic;
 15. one lawyer to be named by the Government of the United States of America;
 16. one member to be named by the United Nations High Commissioner for Refugees;
 17. one member to be named by the International Organization for Migration in accordance with Section 9, Paragraph 2, Number 6; and
 18. one member to be named by the Federal Information and Counseling Association for Victims of National Socialism e. V. [Registered Association].
- The sending body may designate a substitute for each member of the Board.

A different composition of the Board of Trustees may be decided by a unanimous decision of the Board of Trustees.

(2) The term of office for members of the Board of Trustees shall be four years. If a member should resign before the end of his term, a successor may be appointed for the remainder of the term. The members of the Board of Trustees can be recalled by the sending body at any time.

(3) The Board of Trustees shall establish its own rules of procedure.

(4) The presence of half the membership of the Board of Trustees plus one

shall constitute a quorum. The board shall make decisions on the basis of a simple majority. In case of a tie, the vote of the chairman shall determine the outcome.

(5) The Board of Trustees has the right to decide on all fundamental matters that have to do with the tasks of the Foundation, specifically with regard to budgetary plans, the annual report, and the existence of the specific characteristics referred to in Section 12, Paragraph 1. It monitors the performance of the Board of Directors.

(6) The Board of Trustees makes decisions regarding the projects of the "Remembrance and Future" Fund based on proposals by the Board of Directors.

(7) The Board of Trustees establishes guidelines for the use of resources insofar as their use is not already specified in this Law. In this connection, it shall particularly endeavor to see to it that the partner organizations are able to draw in fair shares upon the eligibilities for payment referred to in Section 11, Paragraph 1, Sentence 1, Numbers 1 and 2.

(8) Members of the Board of Trustees serve in a "pro bono" capacity; necessary expenses will be reimbursed.

Section 6: The Board of Directors of the Foundation

(1) The Board of Directors shall consist of the chairman and two additional members. Members of the Board of Trustees may not at the same time belong to the Board of Directors.

(2) The members of the Board of Directors will be named by the Board of Trustees.

(3) The Board of Directors shall direct the day-to-day business of the Foundation and shall implement the decisions of the Board of Trustees. It is responsible for distributing the resources of the Foundation to the partner organizations and for the management of the "Remembrance and Future" fund. It oversees the purposeful and prudent expenditure of the Foundation's funds, in particular adherence by the partner organizations to the provisions of this Law and the guidelines established by the Board of Trustees for the use of its funds. The Board of Directors shall represent the Foundation, both in judicial and extrajudicial matters.

(4) The details shall be determined by the by-laws.

Section 7: The By-laws

The Board of Trustees shall adopt a set of by-laws by a two-thirds majority vote. If a set of by-laws has still not been adopted within three months of the initial meeting of the Board of Trustees, the chairman shall propose a set of by-laws that will be passed by a simple majority. The Board of Trustees may amend the by-laws on the basis of a two-thirds majority.

Section 8: Oversight, Budget, Auditing

(1) The Foundation is subject to legal oversight by the Federal Ministry of Finance; starting on January 1, 2007 it shall be subject to legal oversight by the Federal Ministry for Foreign Affairs.

(2) The Foundation shall prepare a budget in timely fashion before the start of each fiscal year. The budget shall require the approval of the Federal Ministry of Finance.

(3) The Foundation shall be subject to being audited by the Federal Court of Audit. Without prejudice hereto, the Foundation's accounts and the management of its budget and finances are to be audited by the Federal Office for the Settlement of Open Property Matters.

Section 9: Use of Foundation Resources

(1) Resources of the Foundation that serve the purpose of the Foundation referred to in Section 2, Paragraph 1, will be allocated to partner organizations. They are to be used for one-time payments to persons

eligible pursuant to Section 11, as well as for covering the personnel and non-personnel expenses of the partner organizations. Persons eligible under Section 11, Paragraph 1, Sentence 1, Number 1 or Sentence 5 can receive up to 15,000 deutschmarks, and persons eligible under Section 11, Paragraph 1, Sentence 1, Number 2, or Sentence 2 can receive up to 5,000 deutschmarks. Receiving a payment under Section 11, Paragraph 1, Sentence 1, Number 1 or 2 does not preclude receiving a payment under Section 11, Paragraph 1, Sentence 1, Number 3 or Sentence 4 or 5.

(2) The partner organizations shall have available 8.1 billion deutschmarks including 50 million deutschmarks in accrued interest for payments to persons who suffered personal damage as referred to in Section 11, Paragraph 1, Sentence 1, Numbers 1 and 2, and Section 11, Paragraph 1, Sentence 2, insofar as [the payments are] intended for compensation for forced labor. The total amounts shall be divided into the following maximum amounts:

1. for the partner organization responsible for the Republic of Poland, 1,812 million deutschmarks;
2. for the partner organization responsible for Ukraine and the Republic of Moldova, 1,724 million deutschmarks;
3. for the partner organization responsible for the Russian Federation and the Republic of Latvia and the Republic of Lithuania, 835 million deutschmarks;
4. for the partner organization responsible for the Republic of Belarus and the Republic of Estonia, 694 million deutschmarks;
5. for the partner organization responsible for the Czech Republic, 423 million deutschmarks;
6. for the partner organization responsible for the non-Jewish claimants outside the states referred to in Numbers 1 through 5 (the International Organization for Migration), 800 million deutschmarks; the partner organization must pay over up to 260 million deutschmarks of this amount to the Conference on Jewish Material Claims against Germany;
7. for the partner organization responsible for the Jewish claimants outside the states referred to in Numbers 1 through 5 (the Conference on Jewish Material Claims against Germany), 1,812 million deutschmarks.

The partner organizations must use these monies to make the stipulated payments for all persons who on February 16, 1999, had their principal domicile in their [the organizations'] individual regional areas of responsibility and on that date belonged to their material sphere of responsibility. The partner organizations referred to in Numbers 2, 3, and 4 are also responsible for those persons who on February 16, 1999, had their principal domicile in other states, which were republics of the former USSR; in each case that partner organization is responsible from whose area the claimant was deported.

(3) 50 million deutschmarks are intended for compensation of other personal injuries in connection with National Socialist injustice. Claims are to be addressed to the partner organizations referred to in Paragraph 2. These organizations shall determine the merits and amount of the damage claimed. The amount of the compensation payments shall be determined by the Commission referred to in Paragraph 6, Sentence 2, in accordance with the ratio between the totality of the damages recognized by the partner organizations and the total amount of the monies referred to in Sentence 1, with due consideration given to Section 11, Paragraph 1, Sentence 5. The partner organizations may request the Commission referred to in Sentence 4 to assign the determinations referred to in Sentence 3 to an independent arbitrator. A partner organization that prefers not to make the determinations referred to in Sentence 3 itself must bear the costs of the arbitrator.

(4) The sum of one billion deutschmarks of the Foundation's monies is intended for payments to persons who suffered property loss. This amount is divided into the following maximum amounts:

1. 150 million deutschmarks for property losses resulting from persecution within the meaning of Section 11, Paragraph 1, Sentence 1, Number 3;
2. 50 million deutschmarks for other property losses within the meaning of Section 11, Paragraph 1, Sentence 4;
3. 150 million deutschmarks for the International Commission on Holocaust Era Insurance Claims to compensate unpaid or revoked and not otherwise compensated insurance policies of German insurance enterprises, including the costs incurred in this connection;

4. 300 million deutschmarks for social purposes to the benefit of Holocaust survivors through the Conference on Jewish Material Claims against Germany; 24 million deutschmarks of this shall be paid over to the partner organization referred to in Paragraph 2, Number 6, which shall use it for social purposes vis à-vis the similarly persecuted Sinti and Roma;
5. 350 million deutschmarks for the humanitarian fund of the International Commission on Holocaust Era Insurance Claims.

(5) If additional interest is earned from the monies made available to the Foundation except for the monies intended for the Future Fund, up to 50 million deutschmarks of this shall be made available to the International Commission on Holocaust Era Insurance Claims to compensate insurance losses within the meaning of Paragraph 4, Sentence 2, Number 3, for foreign subsidiaries of German insurance enterprises and for costs incurred in this connection, as soon as the monies are available. Monies referred to in Sentence 1 and Paragraph 4, Sentence 2, Number 3, may also be used for the other purpose in each case.

(6) Claims for payments from the monies envisaged in Paragraph 4, Sentence 2, Numbers 1 and 2, are to be addressed to the partner organization referred to in Paragraph 2, Number 6, regardless of the claimant's residence. Determinations concerning these payments shall be made by a commission to be formed under this partner organization. The commission shall consist of one member each to be named by the Federal Ministry of Finance and the Department of State of the United States of America and a chairperson to be chosen by those two members. The commission shall establish supplemental principles concerning the content and procedure of its determinations, insofar as these are not already established under this Law or the by laws. The commission shall rule on the submitted applications within a year after expiration of the application deadline. The Property Claims Commission shall rule on appeals against its initial determination subsequent to renewed consultation as the appeals organ within the meaning of Section 19. The costs of the commission, the appeals organ, and the partner organization are to be covered pro rata from the total amount referred to in Paragraph 4, Sentence 2, Numbers 1 and 2. If the amount of damages recognized by the commission exceeds the monies available under Paragraph 4, Sentence 2, Number 1 or 2, the payments to be made are to be reduced in proportion to the available monies.

(7) 700 million deutschmarks including the interest accruing thereto are to be used for projects of the "Remembrance and Future" Fund. Of this amount, 100 million deutschmarks may be made available for other than its intended purpose, if well-founded requests are filed based on insurance claims that could not be met under Paragraph 4, Sentence 2, Number 3, and Paragraph 5.

(8) In concert with the Board of Trustees, the partner organizations may subdivide the category of forced laborers, within its quota, in accordance with Section 11, Paragraph 1, Sentence 1, Number 1, insofar as this involves persons interned in other places of confinement, as well as affected persons within the meaning of Section 11, Paragraph 1, Sentence 1, Number 2, into subcategories depending on the severity of their fate and may set correspondingly gradated maximum amounts. This shall also apply to the eligibility of legal successors.

(9) The maximum amounts under Paragraph 1 may only be paid out for the time being in the amount of 50% for claimants under Section 11, Paragraph 1, Sentence 1, Number 1, and 35% for claimants under Section 11, Paragraph 1, Sentence 1, Number 2 or Sentence 2. Another payment of up to 50% of the amounts mentioned in Paragraph 1 for claimants under Section 11, Paragraph 1, Sentence 1, Number 1 and up to 65% of the amounts mentioned in Paragraph 1 for claimants under Section 11, Paragraph 1, Sentence 1, Number 2 or Sentence 2 shall be paid out after conclusion of the processing of all applications pending before the respective partner organization, to the extent possible within the framework of the available means. The partner organizations may set up a financial reserve for appeals under Section 19, in the amount of up to 5% of the monies allocated. To the extent the reserve has been set up, payment of the second installment under Sentence 2 may be made before the conclusion of the appeal proceedings. The Board of Trustees has the right, at the request

of individual partner organizations, to allow an increase in the installment payments laid down under Sentence 1, insofar as it is assured that the monies allocated in Paragraph 2 are not exceeded.

(10) Payments under Section 11, Paragraph 1, Sentence 1, Number 3, with the exception of the payments of the International Commission on Holocaust Era Insurance Claims and payments under Section 11, Paragraph 1, Sentence 4 or 5 can take place only after all applications pending before the competent commission have been processed.

(11) Monies allocated under Paragraph 2 but not completely depleted are to be used for persons entitled to payments under Section 11, Paragraph 1, Sentence 1, Numbers 1 and 2. Should the funds provided under Paragraphs 2 and 3 not be completely depleted in spite of payment of the maximum amounts under Paragraph 1, Sentence 3, the Board of Trustees shall decide how they shall be used. Just as in the case of the use of additional monies, the Board must compensate, in particular, any shortage incurred by individual partner organizations in making payments under Section 11, Paragraph 1, Sentence 1, Numbers 1 and 2. The Board will decide on the other use of monies allocated under Paragraphs 2 and 3, which will be available due to a discontinuation of eligibility under Section 14 Paragraph 4. Sentence 4 shall also refer to monies under Paragraph 2, which can no longer be used for payment procedures by the respective partner organization following the decision on the allocation of the second installment to be paid to eligible persons. Monies referred to in Paragraph 4, Sentence 2, Numbers 1 and 2, which are not drawn down shall go to the Conference on Jewish Material Claims against Germany; those referred to in Paragraph 4, Sentence 2, Number 3, to the International Commission on Holocaust Era Insurance Claims. The Board of Trustees may allow the maximum amounts under Paragraph 1, Sentence 3 to be exceeded if all partner organizations have been able to make payments in the amounts of these maximum amounts.

(12) Personnel and non-personnel costs shall be paid from the Foundation's funds, insofar as they are not to be assumed by the partner organizations in accordance with Paragraph 1, Sentence 2. The costs to be borne by the Foundation also include outlays for attorneys and counsel whose activity on behalf of persons entitled to payments under Section 11 contributed to the establishment of the Foundation or otherwise were favorable to its creation, particularly by taking part in the multilateral negotiations that preceded the establishment of the Foundation or by filing suits on behalf of claimants under Section 11 between November 14, 1990, and December 17, 1999. There is no legal claim to payments pursuant to Sentence 2. An arbitrator named by the Foundation will determine the allocation of an amount set by the Board of Trustees, based on guidelines that shall be determined and published by the Board of Trustees. Requests for the payments stipulated in Sentence 2 are to be submitted to the Foundation by the attorneys and counsel themselves and on their own behalf within eight months after publication of the guidelines. They must be accompanied by documentation of the outlays claimed. Every attorney and counsel shall make a declaration in the request proceedings to the effect that he waives any claims against his clients upon receipt of a payment under Sentence 2. He is under obligation to advise his clients that he has waived any claims.

(13) For pending litigation concerning matters covered in this Law, court costs shall not be levied.

Section 10: Distribution of Resources through Partner Organizations

(1) The approval and disbursement of one-time payments to those persons eligible under Section 11 will be carried out through partner organizations. The Foundation is neither authorized nor obligated in this regard. The Board of Trustees may decide for another mode of payment. The partner organizations shall cooperate with appropriate associations of persecutees and local organizations.

(2) Within two months after entry into force of the Law, the Foundation and its partner organizations are to publicize the possibility of compensation under this Law in an appropriate manner to all groups of eligible people in their respective countries of residency. These publications shall specifically

include information about the Foundation and its partner organizations, the conditions on which compensation can be awarded, and application deadlines.

Section 11: Eligible Persons

(1) Eligible under this Law are:

1. persons who were detained in a concentration camp as defined in Section 42, Paragraph 2 of the German Indemnification Act or in another place of confinement outside the territory of what is now the Republic of Austria or a ghetto under comparable conditions and were subjected to forced labor;
2. persons who were deported from their homelands into the territory of the German Reich within the borders of 1937 or to a German-occupied area, subjected to forced labor in a commercial enterprise or for public authorities there, and detained under conditions other than those mentioned in Number 1, or were subjected to conditions resembling detention or similar extremely harsh living conditions; this rule does not apply to persons who because their forced labor was performed primarily in the territory of what is now the Republic of Austria can receive payments from the Austrian Reconciliation Foundation;
3. persons who suffered property loss as a consequence of racial persecution with essential, direct, and harm-causing collaboration of German businesses as defined by the laws on indemnification and who could not receive any payment or could not file their claims for restitution or compensation by the deadline because they either did not meet the residency requirements of the Federal Indemnification Act or had their domicile or permanent residence in an area with whose government the Federal Republic of Germany did not maintain diplomatic relations, or because they could not prove that an asset that had been expropriated due to persecution outside the territory of the German Reich in its 1937 borders and could no longer be located there, had been removed to the Federal Republic of Germany, or the proofs of the validity of their claims under the Federal Restitution Act [Bundesrückerstattungsgesetz] and the Federal Indemnification Act [Bundesentschädigungsgesetz] became known and available only due to German reunification, and the filing of the claims under the Law on the Settlement of Open Property Matters or the Law on Indemnification of Victims of Nazism was not allowed, or to the extent that restitution payments for monetary claims expropriated outside Reich territory were denied for lack of the possibility of assessing them, and no payments could be claimed either under the Currency Conversion Act, the Federal Indemnification Act, the Equalization of Burdens Act, or the Reparation Losses Act; that also applies to other persecutees within the meaning of the Federal Indemnification Act; special arrangements within the framework of the International Commission on Holocaust Era Insurance Claims shall remain unaffected.

The partner organizations may also award compensation from the funds provided to them pursuant to Section 9, Paragraph 2 to those victims of National Socialist crimes who are not members of one of the groups mentioned in Sentence 1, Numbers 1 and 2, particularly forced laborers in agriculture. These awards, with reservation as to Section 9, Paragraph 8, must not result in any reduction in the payments to persons eligible under Paragraph 1, Sentence 1, Number 1. The funds provided for in Section 9, Paragraph 4, Sentence 2, Number 2 are intended to compensate property damage inflicted during the National Socialist regime with the essential, direct, and harm-causing participation of German enterprises, but not inflicted for reasons of National Socialist persecution. The funds referred to in Section 9, Paragraph 3, shall be awarded in cases of medical experiments or in the event of the death of or severe damage to the health of a child lodged in a home for children of forced laborers; in cases of other personal injuries they may be awarded.

(2) Eligibility shall be demonstrated by the applicant by submission of documentation. The partner organization shall bring in relevant evidence. If no relevant evidence is available, the claimant's eligibility can be made credible in some other way.

(3) Eligibility cannot be based on prisoner-of-war status.

(4) Payments from the Foundation are exempt from inheritance tax and gift tax.

Section 12: Definitions

(1) Specific characteristics of other places of confinement referred to in Section 11, Paragraph 1, Number 1 are inhumane conditions of detention, insufficient nutrition, and lack of medical care.

(2) German enterprises referred to in Sections 11 and 16 are those that had their headquarters within the 1937 borders of the German Reich or have their headquarters in the Federal Republic of Germany, as well as their parent companies, even when the latter had or have their headquarters abroad. Enterprises situated outside the 1937 borders of the German Reich in which during the period between January 30, 1933, and the entry into force of this Law, German enterprises as described in Sentence 1 had a direct or indirect financial participation of at least 25 percent are also considered German enterprises.

Section 13: Application Eligibility

(1) Awards under Section 11, Paragraph 1, Sentence 1, Numbers 1 or 2, or Sentence 2 or Sentence 5 are strictly personal and individual and must be applied for in one's own name. In a case where the eligible person has died after February 15, 1999, or where an award under Section 11, Paragraph 1, Number 3 or Sentence 4 is being applied for, the surviving spouse and children shall be entitled to equal shares of the award. If the eligible person left neither a spouse nor children, awards may be applied for in equal shares by the grandchildren, or if there are no grandchildren living, by the siblings. If no application is filed by these persons, the heirs named in a will are entitled to apply. Special arrangements within the framework of the International Commission on Holocaust Era Insurance Claims shall remain unaffected. The claim to payment cannot be ceded or attached.

(2) Juridical persons shall not be eligible. They can file applications as representatives of their shareholders eligible under this Law if specifically authorized by these shareholders. If a religious community or organization suffered property losses with the essential, direct, and harm-causing participation of German enterprises, Sentence 1 does not apply to them or their legal successors.

Section 14: Cut-off Dates

(1) Eligibility pursuant to Section 11 can no longer be determined if an application has not been received by a partner organization by the end of 31 December 2001. This shall also apply if upon conclusion of processing by the respective partner organization within the meaning of Section 9, Paragraph 9, Sentence 2 the application forms, documentation and evidence required to take a decision on the application have not been received.

(2) Applications that are received directly by the Foundation or by an inappropriate partner organization shall be forwarded to the appropriate partner organization. Special arrangements within the framework of the International Commission on Holocaust Era Insurance Claims shall remain unaffected.

(3) If an application has been filed within the application period specified in Paragraph 1 and if within six months after the death of the eligible person none of the persons eligible as legal successors pursuant to Section 13, Paragraph 1, Sentences 2 through 4 have notified the partner organization of their legal succession, the eligibility for an award shall expire. Paragraph 2 shall apply to the notification of legal succession *mutatis mutandis*.

(4) Any eligibility under Section 11 will expire after September 30, 2006. If it is within the responsibility of the partner organization that performance could not be made within the period stated then payment can be made until December 31, 2006 despite the expiration of eligibility under Sentence 1. The partner organizations are obliged to announce the expiration of eligibility in an appropriate way for the first time 12 months prior to this expiration date and repeatedly latest six months prior to this expiration date.

Section 15: Treatment of Other Payments

(1) Payments for injustices suffered under National Socialism are supposed to benefit the persons eligible and not lead to a reduction of income received from the social security or health care system.

(2) Payments made earlier by enterprises in compensation for forced labor and other National Socialist injustices, even if made through third parties, shall be counted against payments under Section 9, Paragraph 1. Special arrangements within the framework of the International Commission on Holocaust Era Insurance Claims shall remain unaffected.

Section 16: Exclusions from Claims

(1) Payments from public funds, including social security, and from German business enterprises for injustice suffered under National Socialism as defined in Section 11 may be claimed only under the terms of this Law. Any further claims in connection with National Socialist injustices are excluded. This applies also to cases in which claims have been transferred to third persons by operation of law, transition, or a legal transaction.

(2) Each claimant shall provide a statement within the framework of the application procedure irrevocably renouncing, without prejudice to Sentences 3 through 5, after receipt of a payment under this Law any further claim against the authorities for forced labor and property damage, all claims against German enterprises in connection with National Socialist injustice, and forced-labor claims against the Republic of Austria or Austrian enterprises. The renunciation becomes effective upon receipt of a payment under this Law. Accepting payments for personal damage under Section 11, Paragraph 1, Sentence 1, Number 1 or 2, or Sentence 2 or Sentence 5 shall not mean the renunciation of payments for insurance or other property damage in accordance with Section 11, Paragraph 1, Sentence 1, Number 3, or Sentence 4, and vice versa. Sentence 1 does not apply to claims arising from National Socialist injustice committed by foreign parent companies with headquarters outside the 1937 borders of the German Reich without having any connections with their German subsidiaries and the latter's involvement in National Socialist injustice. Sentence 1 also does not apply to any claims to restitution of artworks, insofar as the applicant undertakes to pursue this claim in Germany or the country from which the artwork was taken. The renunciation also pertains to compensation of legal costs for the prosecution of the claim, insofar as Section 9, Paragraph 12, does not provide otherwise. The details of the procedure shall be determined by the by-laws.

(3) More extensive compensation arrangements and settlements of the consequences of war at the public expense shall not be prejudiced by the above.

Section 17: Transfer of Funds

(1) The Foundation is to make funds available quarterly to the partner organizations according to their documented need as outlined in Section 9, Paragraphs 2 and 3. The utilization of funds will be appropriately monitored by the Foundation.

(2) The first allocation of funds to the Foundation requires as a precondition the entry into force of the German-American Intergovernmental Agreement Concerning the Foundation "Remembrance, Responsibility and Future," and the establishment of adequate legal security for German enterprises. The German Bundestag shall determine whether these preconditions exist.

Section 18: Requests for Information

(1) The Foundation and its partner organizations are authorized to receive information from agencies and other public bodies that is necessary for the fulfillment of their responsibilities. Information will not be provided if this would be contrary to specific official regulations on the use of the information, or when justifiable protection of the interests of the party concerned outweighs the general interest favoring disclosure.

(2) The information received may be used only for the purpose of carrying out the goals of the Foundation, and an applicant's personal data may be used only for the grant procedure under Section 11. The use of these data

for other purposes is admissible only with the express consent of the applicant.

(3) Applicants under this Law may request information from enterprises in Germany for which or for whose legal predecessors they performed forced labor, insofar as this is requisite for determining their eligibility for awards.

Section 19: Appeals Process

The partner organizations are to create appeals organs that are independent and subject to no outside instruction. The appeals process itself is to be free of charge. However, costs incurred by the applicant are not to be reimbursed.

Section 20: Entry into Force

This Law enters into force on the date after its promulgation. Section 14 in the version of the Law of August 4, 2001 shall enter into force at the latest as of August 11, 2001.