

**Federal Law - Concerning the Fund for Voluntary Payments
by the Republic of Austria to Former Slave Laborers and Forced Lab-
orers of the National Socialist Regime
(Reconciliation Fund Law)**

Section 1.

(1) This federal law establishes a Fund for providing payments to former slave laborers and forced laborers of the Nazi regime on the territory of present day Austria. It bears the name „Fund for Reconciliation, Peace, and Cooperation (Reconciliation Fund).“ The Fund has its headquarters in Vienna.

(2) The goal of the Fund is to make a contribution toward reconciliation, peace, and cooperation through a voluntary gesture of the Republic of Austria to natural persons who were coerced into slave labor or forced labor by the National Socialist regime on the territory of the present day Republic of Austria.

(3) The Fund is an organ of the Republic of Austria, is subject to Austrian law, has the character of a legal person, and serves public or charitable purposes only.

Section 2.

(1) The Fund makes one-time payments to natural persons who under the Nazi regime

1. were transported by force or by deception into work on the territory of the present day Republic of Austria, or who after a voluntary stay on the territory of present day Republic of Austria were prevented from returning home, were forced to work here, were subjected to particularly bad living conditions and either

a) were subject to confinement or some other significant limitation of freedom, or
b) were deprived of their personal rights or subjected to particularly severe disciplinary measures (forced laborers or forced labor, as the case may be); or

2. were forced while under detention to do slave labor in a concentration camp or in

a similar place of confinement under inhumane conditions on the present day territory of the Republic of Austria (slave laborers or slave labor, as the case may be); or

3. suffered demonstrably severe and lasting physical or psychological damage due to work they had to do under conditions cited in the introductory sentence of Number 1 (special hardship cases); or

4. were transported as children or as minors under the age of 12 with one or both parents (as described in Numbers 1 through 3 of this Section) into the territory of the present day Republic of Austria or who were born here during the mother's period of forced labor.

(2) In addition, the Fund will make one-time financial payments to natural persons who without fulfilling the conditions of the introductory sentence of Section 1, Number 1 but because of political motives, reasons of ancestry, religion, nationality, sexual orientation, physical or mental handicap, accusation of supposed anti-social behavior or in connection with medical experiments were coerced by the National Socialist regime to work on the territory of present day Austria under conditions equivalent to those cited in Paragraph 1, Numbers 1 a) or b).

(3) Payments are not to be made to former prisoners of war.

Section 3.

(1) The amounts to be paid are as follows:

1. 105,000 Austrian shillings to persons described in Section 2, Paragraph 1, Number 2 (slave laborers).

2. 35,000 Austrian shillings to persons described in Section 2, Paragraph 1 and Paragraph 2 (forced laborers) who had to perform forced labor in industry, busi-

ness, construction, power companies and other commercial enterprises, public institutions, rail transportation or postal service.

3. 20,000 Austrian shillings to persons described in Section 2, Paragraph 1, Number 1 and Paragraph 2 (forced laborers) who had to do forced labor exclusively in agriculture or forestry or in the form of personal services (housekeeping, hotel work, etc.).

4. Children and minors as described in Section 2, Paragraph 1, Number 4 are to receive the amount to which the parent is entitled or would be entitled. In the case of a deportation with both parents each of whom is or would be entitled to a different amount, the larger amount is applicable in each case.

5. A supplementary payment of 5000 Austrian shillings may be made to women who during their time as forced laborers gave birth to children in maternity facilities for eastern workers or who were forced to undergo abortions.

(2) The hardship cases mentioned in Section 2, Paragraph 1, Number 3 may receive payments up to the amount applicable to their categories (Paragraph 1, Number 2 or 3).

(3) Persons who meet the conditions for several categories are to receive the highest amount applicable.

Section 4.

(1) Articles 21 and 26 of the State Treaty restoring an independent and democratic Austria, Federal Legislative Record No. 152/1955, are not affected by this federal law; this federal law does not confer a legal right to payment.

(2) Payments under this federal law are strictly personal and must be applied for as such. They are not to be given or taken as security for a loan. They can be allowed only if the petitioner through documentation or otherwise makes a credible claim to fulfillment of the conditions. If the eli-

gible person has died on or after February 15, 2000, then the heirs according to the national law of the person in question shall succeed.

(3) The only applications that can be considered are those received within two years from the effective date of this federal law by the responsible partner organizations or, in the case of persons for whom there is no partner organization, directly by the Fund. The Board of Trustees is permitted to extend the deadline by a maximum of one year. Applications that are to be submitted directly to the Fund can also be brought together and processed by organizations that while not listed among the partner organizations cited in Section 7, Paragraph 4 do represent the interests of persons cited in Section 2. In such cases the payments will be made by the Fund directly to the eligible persons.

(4) Contributions to the Fund are to be free of all federally-imposed deductions.

(5) Persons who could receive payments under Section 2, Paragraph 1, Number 2 from the foundation „Remembrance, Responsibility, and Future“ of the Federal Republic of Germany are ineligible for payments under this federal legislation. Persons described in Section 2, Paragraph 1, Number 1 may receive payments under this law only if the majority of their forced labor took place on the territory of present day Austria. The Austrian Fund, therefore, is to take the necessary steps so that applications received by the Fund for whose processing it is not responsible can be accepted and transmitted directly to the processing center of the foundation „Remembrance, Responsibility, and Future.“ On the other hand, it must be assured that in the case of payments to forced laborers there not be duplicate payments from the Foundation and the Fund.

Section 5.

(1) Payment of an award is made under the condition that the recipient make a declaration that with the receipt of an award under this federal law he renounces irrevocably

any claim for slave labor or forced labor against the Republic of Austria or against Austrian business. The Fund is to assure that slave laborers and forced laborers covered under Section 2, Paragraph 1, Numbers 2 or 1 who receive payments from the „Remembrance, Responsibility and Future“ Foundation of the Federal Republic of Germany also make an irrevocable renunciation of any claims for slave labor and forced labor against the Republic of Austria and Austrian business enterprises. Likewise, slave laborers and forced laborers who receive payments under Section 2, Paragraph 1, Number 2 or 1 of this federal law must in their declaration to the Fund also renounce irrevocably any claims for slave labor or forced labor against the Federal Republic of Germany and German business enterprises.

(2) Austrian business enterprises for the purposes of this legislation are defined as all business enterprises that had or now have their headquarters on the territory of the present day Republic of Austria, as well as their parent companies even if they had or now have their headquarters in another country. In addition, Austrian business enterprises are those business enterprises located outside the territory of the present day Republic of Austria in which Austrian business enterprises as defined in Sentence 1 had or now have either directly or indirectly an ownership share of at least 25 per cent.

Section 6.

(1) The Fund shall have moneys in the amount of 6 billion Austrian shillings to carry out its tasks. This amount will consist of:

1. contributions of the federal government according to the federal financial legislation applicable at that time,
2. contributions of other regional bodies,
3. contributions from all areas of business and industry, and
4. other contributions.

(2) With the overall total cited in Paragraph 1, the Fund is fully capitalized. There is no obligation to make a supplementary payment.

(3) Contributions to the Fund are not subject to the inheritance tax nor the gift tax nor to any similar financial impositions having the same purpose or effect.

Section 7.

(1) The awarding of a payment under Section 3 to persons named in Section 2, Paragraphs 1 and 2 is to be made either through the partner organizations named in Paragraph 4 with whose governments pertinent bilateral agreements exist or directly by the Fund in cases where persons are not covered by the partner organizations named in Paragraph 4.

(2) Payments by the Fund are to be made according to administrative principles governing private enterprise.

(3) In Austria, payments by the Fund or the partner organizations are not subject to inheritance tax nor gift tax, and the recipient of a payment is not subject to income tax nor capital gains tax.

(4) The partner organizations are:

- the foundation „Understanding and Reconciliation“ in the Republic of Belarus;
- the foundation „German-Polish Reconciliation“ in the Republic of Poland;
- the foundation „Understanding and Reconciliation“ in the Russian Federation;
- the „Czech Council for the Victims of National Socialism“ in the Czech Republic;
- the National Foundation „Understanding and Reconciliation“ in Ukraine;
- the foundation „Jewish Legacy in Hungary“ in the Republic of Hungary.

(5) Within two months after this federal law comes into effect, the Fund in cooperation with the partner organizations is to give appropriate worldwide publicity to the payments made possible under this federal law. Specifically, this publicity is to contain information about the Fund and the partner organizations, the conditions that need to be fulfilled for awards, application deadlines, and information about the data verification that will be needed in this regard.

(6) Additional provisions for the award of payments will be laid out in the guidelines of the Fund and are to be addressed in the contracts to be concluded between the Fund and the partner organizations (Section 8, Paragraph 2).

Section 8.

(1) Moneys of the Fund will be transferred in the shortest possible time to the partner organizations according to actual need on the basis of lists, which are submitted by each partner organization and spot checked by the responsible organ of the Fund, of persons who according to Section 2, Paragraph 1 were permanent residents on February 15, 2000, of countries named in the bilateral agreements according to Section 7, Paragraph 1, and will also be given to cover appropriate personnel and material expenses of the partner organizations, including the cost of publicity stipulated in Section 7, Paragraph 5. Care must be taken in this respect that the Austrian origin of the money and its purpose be emphasized appropriately to the eligible recipients and to the public in the countries affected.

(2) It is intended that agreements be reached with the governments of countries named in Section 12, Paragraph 1, Number 8 stating that these countries will not assert nor advocate or support further claims against the Republic of Austria or against Austrian business enterprises in the category of past slave labor or forced labor. The modalities for making payments will be established through agreements with the countries named in Section 7 as well as through contracts between the Fund and the partner organizations. In so far as partner organizations according to Article 7, Paragraph 4, are established in particular countries, then bilateral agreements should provide that:

1. eligibility for financial awards is to be established through appropriate documentation or other appropriate means,
2. persons whose complete and already examined files concerning the slave labor or forced labor done by them are already in the possession of the partner organization do not have to submit new applications for

payment,

3. representatives of the Fund or persons commissioned by the Fund are to be permitted to exercise oversight or otherwise cooperate with regard to work of the partner organizations in so far as this would be related to the implementation of this federal legislation, and

4. financial payments are to be made without any deductions and, in particular, they are not to lead to any reduction of payments made under the social security and health insurance systems.

5. financial payments are to be made only upon submission of the declaration stipulated in Section 5, Paragraph 1 and that this declaration is to be forwarded to the Fund.

(3) In the interest of greatest possible transparency, a periodic international business audit is to be conducted at each of the partner organizations, the cost of which is to be paid by the Fund; the selection of the auditing organization is to be made by agreement between each partner organization and the Fund. The decision on the international business audit of the Fund will be made by the Board of Trustees.

Section 9.

(1) The Fund and the partner organizations are authorized to receive information necessary for carrying out its work from government agencies and other public institutions. Information may be withheld only when its transmission would be contrary to specific legal regulations or if the protection of individual privacy outweighs the legitimate desire of the Fund to have the information.

(2) The information received may be used only for carrying out the purposes of this federal law and the personal data of a claimant may be used only for the determination of payments. The use of these data for other purposes is only permitted if the claimant gives explicit permission.

Section 10.

(1) The organs of the Fund are the Board of Trustees (Section 11), the Committee (Section 13) and the Secretary General (Section 14).

(2) The public representative of the Fund is to be the chairperson of the Board of Trustees.

Section 11.

(1) The Board of Trustees is the highest organ of the Fund. It has particular responsibility for the following:

1. Release and publication of the Fund's standard operating procedures.
2. Release of Fund guidelines for making monetary awards.
3. Appointment of the members of the Committee.
4. Decision making on financial procedures.
5. The determination of which awards are to be decided upon by the Committee.
6. The determination of awards that are not transferred to the responsibility of the Committee.
7. Decision-making on the disposition of the Fund's capital assets.
8. Control over the purposeful expenditure of the Fund's capital assets.
9. Commissioning and implementing a periodical international business audit.
10. Approval of account balance statements.
11. Decision-making for the semi-annual report to the Federal Government.

(2) The Federal Government is to present promptly the report stipulated in Paragraph 1, Number 11 to the Principal Committee of the National Council and see to it that it is published.

Section 12. (Constitutional Provision)

(1) The Board of Trustees consists of the following:

1. the Federal Chancellor, the Federal Minister of Foreign Affairs, the Federal Minister of Finance, the Federal Minister for

Business and Labor, or a representative of one or more of these offices,

2. a member to be sent by each of the parties represented in the National Council,
3. a member to be sent by the Conference of State Governors,
4. three business representatives to be sent by the working group called „Humanitarian Action Platform,“
5. a representative of the Austrian Working Group of Concentration Camp Associations and Resistance Fighters,
6. the Head of the Documentation Center of the Alliance of Jewish Victims of Persecution or his representative,
7. the Head of the Cultural Association of Austrian Roma Peoples or his representative,
8. One representative each of the governments of the Republic of Belarus, the Polish Republic, the Russian Federation, the Czech Republic, Ukraine, the Republic of Hungary, and the United States of America to the extent that these countries choose to send representatives.
9. an attorney to be sent by the government of the United States of America.

(2) The chairperson of the Board of Trustees is the Federal Chancellor. On the recommendation of the chairperson, the Board of Trustees will elect a deputy chairperson, whose deputy in turn will be the person among the remaining members named in Paragraph 1, Line 1 above who is the oldest. The Board of Trustees will make its decisions on the basis of simple majority, provided that a quorum of at least half the members is present. In case of a tie, the vote will be decided by the chairperson or by the person who is serving in his place.

(3) The Board of Trustees may decide for individual agenda items to hear testimony of representatives of persons designated in Section 2, Paragraph 1 and 2, or of other persons having information.

(4) Work on the Board of Trustees will be carried out on a „pro bono“ basis; necessary expenses will be reimbursed by the Fund.

Section 13.

(1) Members of the Committee are the chairperson of the Board of Trustees or a substitute named by him as chairperson, an additional member named by the Board of Trustees as deputy chairperson, as well as three additional members named by the Board of Trustees.

(2) The Committee decides according to its competencies under Section 11, Number 5 on the awarding of payments.

(3) The Committee makes decisions about the spot checking of the lists of persons submitted by the partner organizations in keeping with Section 2, Paragraph 1 and about appropriate measures to be based on this spot checking.

(4) The chairperson of the Committee or his deputy is to report to each meeting of the Board of Trustees on decisions made by the Committee since its previous meeting.

Section 14.

(1) The Secretary General supports the chairperson of the Board of Trustees in the administration of the Fund and prepares the factual documents and the decision documents of the Board of Trustees and of the Committee.

(2) The Secretary General is to be appointed by the Board of Trustees on the recommendation of the chairperson.

Section 15.

(1) Earnings on the capital fund and other income are to be used only in support of the goals of the Fund. This includes personnel and material expenditures.

(2) The Fund is to be established for a period of three years. At the end of that time, the Board of Trustees may decide to spend the remaining capital of the Fund for payments in connection with wrongs that had taken place on the territory of the present day Republic of Austria during the time of the National Socialist regime whereby particular consideration is to be given to the heirs of those slave laborers and forced laborers who died before the deadline (Section 3, Paragraph 2).

Section 16.

In so far as is relevant, any expressions in this federal law pertaining to persons pertain equally to women and to men.

Section 17. (Constitutional Provision)

This federal law will take effect as soon as it has been confirmed that all of the funds referred to in Section 6 are available and that the agreements with countries in which partner organizations according to Section 7, Paragraph 4 have been established and the agreement with the United States have been signed. The federal government will publish the effective date of this federal law in Volume I of the Federal Legislative Record.

Section 18.

The following are charged with the implementation of this federal law:

1. the Federal Minister of Finance with regard to Section 4, Paragraph 4; Section 6, Paragraph 3; and Section 7, Paragraph 3;
2. the relevant federal minister for any matters covered in Section 12 that touch on his responsibilities;
3. the Federal Government for all remaining provisions.