

since at least \$1 billion is necessary to keep up with inflation and additional funding is necessary to maintain an appropriate level for more innovative research grants.

When the appropriations for NIH, spearheaded by Senator Harkin and myself, were increased by \$3 to \$3.5 billion each year, there was a dramatic decrease in deaths attributable to many maladies. Since reform legislation has as two principal objectives, improving the quality of health care and reducing costs, the best way to reach those objectives is through increasing funding for bio-medical research at NIH.

The second item which I urge for inclusion in comprehensive health reform legislation is specified in S.914, the Cures Acceleration Network Act which I introduced on April 28, 2009. That bill would help our nation's medical research community bridge what practitioners call the "valley of death" between discoveries in basic science and new effective treatments and cures for the diseases. This translational medical research will accelerate medical progress at the patient's bedside and maximize the return on the substantial investments being made on bio-medical research.

I look forward to working with you on these proposals as well as other facets of comprehensive health care reform.

I am sending an identical letter to Senator Baucus.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, it is my view that this is a critical and arguably indispensable item to be taken up in this comprehensive health care reform—and certainly weighs heavily on my mind—and that is to fund the National Institutes of Health at the \$30 billion currently as the base, plus the \$10 billion in the stimulus package, for a base of \$40 billion. The results from medical research have been phenomenal, with decreases in fatality to stroke, breast cancer, and many other of the health maladies. Then, to combine that with legislation which I have introduced, S. 914, the Cures Acceleration Network, which addresses the issue taken up by The New York Times, and that is to make a determination of what actually works.

There has been identified a so-called "valley of death" between the bench and clinical research and the bedside and application of the research. The pharmaceutical companies do not take up this issue because of the cost. This is something which ought to be taken up by the Federal Government as the dominant funder for the National Institutes of Health. So should the comprehensive health care include this issue to address, in a meaningful way, the very high costs of medical care? Certainly, if the tests make a determination that the less-expensive items are the ones which ought to be followed, that could meet the Federal standard and that could prevail.

#### HOLOCAUST LOOTED ART RETRIEVAL

Mr. SPECTER. Mr. President, moving to yet another subject, there is a major miscarriage of justice currently being perpetrated on the victims of the

Holocaust and their survivors. The Washington Post, 2 weeks ago Sunday, on June 28, pointed out that Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries and Washington a decade ago to resolve the claims.

At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal reach of their victimized owners and descendants.

Stuart Eizenstat, head of the U.S. delegation to the conference said:

This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims.

The article goes on to point out that:

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

Notwithstanding that international determination, the program has not been carried out.

The article goes on to cite the case involving Mr. Michael Klepetar, a real estate project manager from Prague, who has been trying for 9 years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz. Popper's wife and daughter also died in the Nazi camps. The National Gallery in Czechoslovakia has refused to part with the paintings, citing a law adopted in 2000 by the Czech Government that entitles only Holocaust victims or their "direct descendants" to file claims for the property. The Ministry of Culture in Czechoslovakia has classified 13 of the looted artworks as "cultural treasures," a designation that prevents them from being taken out of the country.

Mr. Klepetar went on to point out the salient underlying factor:

This country—

Referring to Czechoslovakia—like most of the region, has always been anti-semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem.

I am writing today to Secretary of State Clinton asking her to use the persuasive power of the Department of State to rectify this problem. I am also writing to the State Department legal counselor, inquiring about what enforcement action might be taken in international legal tribunals to rectify this situation.

I ask unanimous consent that a copy of the Post article, and the copies of

my letters to Secretary Clinton and the State Department legal adviser be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 2009]

JEWIS REMAIN STYMIED IN EFFORTS TO  
RECLAIM ART LOOTED BY NAZIS

(By Craig Whitlock)

Holocaust survivors and their heirs are still battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims.

At a major conference underway here in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal reach of their victimized owners and descendants.

"This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims," said Stuart Eizenstat, head of the U.S. delegation to the conference and a former ambassador and deputy Treasury secretary during the Clinton administration.

The Holocaust Era Assets Conference, hosted by the Czech Republic, is an attempt to revive a global campaign that began 11 years ago to track down long-lost art collections that were confiscated or acquired under dubious circumstances during the Holocaust.

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

The guidelines, known in the art world as the Washington Principles, have eased the return of looted art in many cases. Despite their endorsement by most European countries and the United States, however, the guidelines are legally nonbinding. They are also often ignored in practice by museums and governments that profess in public to abide by them, according to art experts.

Michel Klepetar, a real-estate project manager from Prague, has been trying for nine years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great-uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz.

Popper's wife and daughter also died in Nazi camps. Klepetar, 62, and his brother are their closest living relatives. But the National Gallery has refused to part with the paintings, citing a law adopted in 2000 by the Czech government that entitles only Holocaust victims or their "direct descendants" to file claims for stolen property.

In an interview, Klepetar argued that the Czech law was unconstitutional, unethical and particularly unfair to Jews. An estimated 6 million Jews were killed in the Holocaust; many families were survived only by distant relatives.

"This country, like most of the region, had always been anti-Semitic through the centuries," he said. "The only difference now is that it's not politically correct. That's the root of the whole problem."

Klepetar's great-uncle had amassed a collection of 127 artworks—mostly Flemish and

Dutch paintings from the 17th and 18th centuries—which vanished after the war. In 2000, however, Klepetar said someone leaked him part of a confidential Czech government report on looted art that indicated 43 of the paintings had been in the National Gallery's possession since the early 1950s.

The National Gallery later acknowledged it had the paintings but refused to divulge any details, such as how they were acquired, their condition or their precise location. Klepetar has pressed his claim in the Czech courts for several years but has lost repeatedly because he is not considered a direct descendant under the law.

Tomas Jelinek, vice president of the Czech Committee for Nazi Victims, said the government's decision to pass the 2000 law that limits who can file claims for Holocaust assets was designed to protect public galleries and government institutions.

"You have all these people in charge of the museums, and they don't want to lose their assets," he said. "There are always people who say, 'Why should we give these valuable objects from our collections away?'"

Tomas Wiesner, director of galleries and museums for the Czech Ministry of Culture, did not respond to requests for comment.

Art experts credited the Czech government with taking steps to make it easier to find and return looted art. In 2001, for instance, it established the Documentation Center for Property Transfers of Cultural Assets of World War II Victims, which maintains a public online database of artworks in Czech museums that once may have been owned by Holocaust victims.

The database, however, offers limited information and is hampered by spotty record-keeping. For example, it lists only eight of the 43 paintings in the National Gallery that were part of Klepetar's family collection, even though the museum has acknowledged it has the others as well.

The Documentation Center also does not publish statistics on how many claims have been filed on behalf of Holocaust victims, or how many artworks have been returned. Helena Krajcova, director of the center and co-chair of the looted-art panel for the Holocaust Era Assets Conference, did not respond to requests for an interview.

Czech officials have sometimes taken extraordinary legal measures to prevent the return of looted art.

In December, the American heirs of Emil Freund, a Prague lawyer and collector who was killed during the Holocaust, reacquired 32 paintings and drawings that had been in the custody of the National Gallery for decades. But the Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country.

Michaela Sidenberg, curator for visual art at the Jewish Museum in Prague, a private institution, said Holocaust survivors and their families are repeatedly stonewalled in the Czech Republic, despite official policy to make it simple for them to file claims for artwork taken by the Nazis.

"It's like a hot potato being thrown around," she said. "The claimants are kicked around from one bureaucracy to another. Everybody is just looking for some alibi and to avoid taking responsibility."

Asked about such criticism, Stefan Fule, the Czech Republic's minister for European Union affairs, said his government's hosting of the conference on Holocaust-era assets demonstrates its dedication to resolving such claims fairly.

"These are serious questions that need to be seriously addressed," he said at a news briefing Friday. He declined to say, however, whether the Czech government would consider changing its laws so that distant rel-

atives would be allowed to inherit property stolen by the Nazis.

In the meantime, Klepetar said he will keep pressing his case for the return of his great-uncle's collection, even though he predicted that there was "almost zero" chance that the Czech government would change its laws or policies.

"No, no, I'm not going to give up," he said. "It's the principle. Like they say, a Jew should never let anyone [defecate] on his head. And you can quote that."

U.S. SENATE,  
Washington, DC, July 8, 2009.

HON. HAROLD KOH  
Legal Adviser, U.S. Department of State, Washington, DC.

DEAR DEAN KOH: With this letter, I am enclosing a copy of a letter I am sending today to Secretary of State Clinton.

I would appreciate it if you would review this situation to determine if there is any legal action which could be brought in international court to obtain the return of this artwork.

I am delighted to see you at work on your new job after a hard-fought confirmation battle.

My best.

Sincerely,

ARLENE SPECTER.

U.S. SENATE,  
Washington, DC, July 8, 2009.

HON. HILLARY RODHAM CLINTON,  
Secretary of State, Department of State, Washington, DC.

DEAR HILLARY: I write to call to your personal attention a gross miscarriage of justice which is being perpetuated on victims and survivors of Holocaust victims who are being deprived of their rights to reacquire works of art illegally confiscated by the Nazis.

The situation is succinctly set forth in an article in the Washington Post on June 28, 2009:

"Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims. At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks from invaluable masterpieces to items of mostly sentimental value remain lost or beyond legal reach of their victimized owners and descendants."

Ambassador Stuart Eizenstat, head of the U.S. delegation to the Conference, said:

"This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims."

The article further specifies the unsuccessful efforts of individuals to reclaim these works of art. One of those individuals, Mr. Michael Klepetar, focuses on the underlying reason:

"This country, like most of the region, had always been anti-Semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem."

The Czech Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country. The Czech National Gallery has refused to turn over these works of art citing a 2000 statute adopted by the Czech government which entitles only Holocaust victims or their "direct descendants" to file claims for the property.

I request that you review this situation with a view to bring whatever diplomatic

pressure is possible in Czechoslovakia and elsewhere to see to it that these works of art are returned to the Holocaust victims or their survivors. I am writing to Secretary of State Legal Adviser Harold Koh asking him to determine if there is any way to initiate legal proceedings in an international court to reclaim these works of art in Czechoslovakia and elsewhere.

For your review, I am enclosing the full text of the Washington Post article.

My best.

Sincerely,

ARLEN SPECTER.

UNANIMOUS-CONSENT  
AGREEMENT—H.R. 2892

Mr. SPECTER. Mr. President, I have been asked by the leader to propound a unanimous consent request as follows: That the order of July 7 be modified to provide that after the Senate resumes H.R. 2892, the time until 10:55 a.m. be for debate with respect to the Sessions amendment No. 1371 and all other provisions of the July 7 order remain in effect.

The PRESIDING OFFICER (Mr. BENNET). Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid (for Byrd-Inouye) amendment No. 1373, in the nature of a substitute.

Sessions amendment No. 1371 (to amendment No. 1373), to make the pilot program for employment eligibility confirmation for aliens permanent and to improve verification of immigration status of employees.

DeMint amendment No. 1399 (to amendment No. 1373), to require the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010.

Feingold amendment No. 1402 (to amendment No. 1373), to require grants for Emergency Operations Centers and financial assistance for the predisaster mitigation program to be awarded without regard to earmarks.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 1399

Mr. DEMINT. Mr. President, I wish to speak briefly about an amendment that will be up second, I believe, this morning. It is about our southern border in this United States.

I think we have made some propositions to the American people to secure our southern border. We have