

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mr. BEGICH, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. COCHRAN, Mr. JOHNSON of South Dakota, Ms. CANTWELL, and Ms. LANDRIEU):

S. Res. 400. A resolution supporting the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 543

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1350

At the request of Mr. COONS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1925

At the request of Mr. HELLER, his name was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2010

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2051

At the request of Mr. REED, the name of the Senator from New York (Mr.

SCHUMER) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2193

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2193, a bill to require the Food and Drug Administration to include devices in the postmarket risk identification and analysis system, to expedite the implementation of the unique device identification system for medical devices, and for other purposes.

S. 2204

At the request of Mr. REID, his name was added as a cosponsor of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. RES. 380

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 397

At the request of Mr. COONS, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 399, supra.

AMENDMENT NO. 1833

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1833 proposed to H.R. 3606, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

AMENDMENT NO. 1836

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr.

DURBIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Missouri (Mrs. McCASKILL), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1836 proposed to H.R. 3606, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. HATCH):

S. 2212. A bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join with my colleague and good friend Senator HATCH to introduce this bill, which will resolve an unsettled issue that is making it difficult for museums and universities to obtain works of art for temporary exhibition from foreign countries.

Cultural exchange with foreign nations enables the sharing of ideas and history across the globe. When foreign works are shown at American museums, they expose our people to the richness of world history and culture.

In 2011, the San Diego Museum of Art hosted an exhibition of 64 works of famous Spanish artists, such as El Greco, Pablo Picasso, Francisco Goya, and Salvador Dali.

Also in 2011, the De Young Museum in San Francisco hosted an exhibition of more than 100 Picasso masterpieces from Paris, as well as more than 100 objects from the Olmec civilization in Mexico.

In 2009, the Los Angeles County Museum of Art hosted an exhibit containing artifacts from the Ancient Roman city of Pompeii, which was buried by a volcanic eruption and rediscovered in the 18th Century.

In 2007, the Los Angeles County Museum of Art hosted an exhibit with approximately 250 works of art created in more than seven different Latin American countries between 1492 and 1820.

Without these exhibitions coming to American museums, many Americans simply would not have the chance to see such important cultural and historical works in person. Exhibitions of such works also draw countless visitors each year, helping museums—which are vital to the preservation of our own culture and heritage—survive and thrive in difficult economic times.

For decades, American law has offered legal protection for these exhibitions. Passed in 1965, a law called the Immunity from Seizure Act, 22 U.S.C. 2459, is designed to provide the legal certainty necessary for American museums to organize such exhibitions with their foreign counterparts.

This law empowers the President or his designee to approve a foreign work for temporary exhibition or display in the United States, a process now handled by the State Department. If approval is granted, then the work of art is essentially protected from judicial process—such as a court-ordered seizure—while it is in the United States.

Unfortunately, this important law has been undermined by a decision of the U.S. District Court for the District of Columbia in a case called *Malewicz v. City of Amsterdam*.

In this case, the City of Amsterdam had made a temporary loan of works of art for educational and cultural purposes to the Guggenheim Museum in New York and the Menil Collection in Houston Texas.

Even though the State Department's approval was sought and received for the temporary loan, the court held that the City of Amsterdam's temporary loan nevertheless subjected the City to Federal court jurisdiction in a lawsuit over the work of art.

The reason was that—even though the loan was for educational and cultural purposes, for works to be shown at museums—the City's activities nevertheless qualified as “commercial activity” under a provision of the Foreign Sovereign Immunities Act, 28 U.S.C. 1605(a)(3).

The result of this decision, unsurprisingly, is that foreign museums have been more reluctant to lend their art works to our museums in the United States.

The Executive Branch during the Bush administration recognized this problem and tried to correct it. It urged the D.C. Circuit to reverse the decision, saying in an amicus brief that the District Court's ruling was wrong, that it “substantially undermine[d] the purposes” of the Immunity from Seizure Act, and that it would “discourage foreign states and other lenders from providing their artwork for temporary exhibit in the United States.” Unfortunately the appeal was dismissed before the D.C. Circuit had a chance to correct this problem. That is why this bill is necessary.

Several museums in my home state—including the San Francisco Museum of Modern Art, the Asian Art Museum in San Francisco, the Los Angeles County Museum of Art, the Cantor Center for Visual Arts at Stanford University, and the Santa Barbara Museum of Art—have asked me to help restore the legal certainty that existed prior to the *Malewicz* decision. I know that institutions in Senator HATCH's home State of Utah have sought his help in this regard as well.

I am very pleased to say that Senator HATCH and I have worked together—along with House Judiciary Committee Chairman LAMAR SMITH, Ranking Member JOHN CONYERS, and Representatives STEVE CHABOT and STEVE COHEN—to draft a narrow bill that we hope can be enacted quickly this year.

This bill is simple. It relies on the State Department's approval process.

If the State Department approves a loan of a foreign art work—essentially immunizing the work from judicial seizure under existing law—then the foreign state's activities associated with the work's exhibition cannot be used to assert jurisdiction over the foreign state under the Foreign Sovereign Immunities Act, 28 U.S.C. 1605(a)(3).

This narrow approach does only what is necessary to fix the problem created by the *Malewicz* decision—nothing more, nothing less.

It is important to note that this bill would not apply if the foreign state does not seek or receive the State Department's approval. The State Department requires detailed certifications and independent investigations about an art work's provenance before it grants approval. The bill also expressly would not apply to any work taken in Europe by the Nazis or their collaborators.

Once again, I thank Senator HATCH and my colleagues in the House for working with me on this important legislation, which has already passed the House of Representatives by voice vote. I urge my colleagues to join us in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Cultural Exchange Jurisdictional Immunity Clarification Act”.

SEC. 2. CLARIFICATION OF JURISDICTIONAL IMMUNITY OF FOREIGN STATES.

(a) IN GENERAL.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

“(h) JURISDICTIONAL IMMUNITY FOR CERTAIN ART EXHIBITION ACTIVITIES.—

“(1) IN GENERAL.—If—

“(A) a work is imported into the United States from any foreign country pursuant to an agreement providing for the temporary exhibition or display of such work entered into between a foreign state that is the owner or custodian of such work and the United States or 1 or more cultural or educational institutions within the United States;

“(B) the President, or the President's designee, has determined, in accordance with Public Law 89-259 (79 Stat. 985; 22 U.S.C. 2459), that such work is of cultural significance and the temporary exhibition or display of such work is in the national interest; and

“(C) notice has been published in the Federal Register in accordance with Public Law 89-259,

any activity in the United States of such foreign state or any carrier associated with the temporary exhibit or display of such work shall not be considered to be commercial activity for purposes of subsection (a)(3).

“(2) NAZI-ERA CLAIMS.—Paragraph (1) shall not apply in any case in which—

“(A) the action is based upon a claim that the work was taken in Europe in violation of international law by a covered government during the covered period;

“(B) the court determines that the activity associated with the exhibition or display is commercial activity; and

“(C) a determination under subparagraph (B) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘work’ means a work of art or other object of cultural significance; and

“(B) the term ‘covered government’ means—

“(i) the Nazi government of Germany;

“(ii) any government in any area occupied by the military forces of the Nazi government of Germany;

“(iii) any government established with the assistance or cooperation of the Nazi government; and

“(iv) any government that was an ally of the Nazi government of Germany; and

“(C) the term ‘covered period’ means the period beginning on January 30, 1933, and ending on May 8, 1945.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to cases commenced after the date of the enactment of this Act.

Mr. HATCH. Mr. President, I join the Senator from California, Senator FEINSTEIN, in introducing legislation to clarify the legal protections for art that is loaned from overseas for exhibition in the United States. This bill passed the House yesterday by voice vote and I hope it can soon become law.

We are blessed in this country to have so many fine institutions that provide exposure to the art, culture, and history of other lands. Both public and private art museums can be found all over America, including at many of our fine universities. We must ensure that the exhibitions hosted by these museums continue to benefit all Americans.

A major exhibition can take years to develop and potential overseas lenders must be assured that their art will be legally protected while it is in the United States. Many exhibitions simply will not be possible without that assurance. We have had laws in place for decades that did just that, and they worked exactly the way they were supposed to. Specifically, the Protection from Seizure Act guaranteed that once the State Department reviewed and certified an exhibition as being in the national interest, the art was immune from legal judgments or court orders while in this country.

This legal protection was thrown into doubt by a Federal court decision several years ago. The U.S. District Court here in the Washington considered a case involving the Foreign Sovereign Immunities Act, which allows certain kinds of lawsuits against foreign countries in American courts. One of those categories is when art allegedly taken in violation of international law is present in this country in connection with a commercial activity. The court construed that condition of being present “in connection with a commercial activity” in a way that could include art that is here for exhibition under the Protection from Seizure Act.

The dilemma here is easy to see. These statutes are not supposed to be in conflict. Bringing art here under the protection of one statute is not supposed to create jurisdiction for a lawsuit against the lender under another statute.

The solution is also easy to see. The bill we introduce today is very short and very simple. It clarifies that the presence in this country of art under the Protection from Seizure Act does not create jurisdiction for a lawsuit under the Foreign Sovereign Immunities Act. It simply returns these two statutes to the harmony they were intended to have all along and to lift the cloud of doubt that has hung over the art exhibition process for the last several years.

I want to thank the Brigham Young University Museum of Art for bringing this issue to my attention. The BYU museum is the premier art museum in the Mountain West and the most attended university art museum in North America. BYU is the organizing institution for a major exhibition titled *Beauty and Belief: Crossing Bridges with the Art of Islamic Cultures*. This amazing event, which will be at BYU through September and is free to the public, includes art from a dozen foreign countries. As this project was in development, the museum director raised with me the need to clarify the law protecting art loaned for exhibition. Thankfully, the BYU exhibition was not hindered, but the Association of Art Museum Directors has documented that this is a problem elsewhere.

This is a problem that is easy to fix. It is not a partisan or an ideological issue. It is not a spending program. It involves neither regulations nor taxes. Each of our States has institutions that can benefit from this clarification. As my colleagues will see, we did put a caveat in the bill so that it will not apply to the ongoing efforts to identify and recover art and cultural objects seized by the Nazis during the World War II era.

Again, I want to applaud the BYU Museum of Art for its triumphant exhibition and for bringing this issue to my attention so that Americans can continue to enjoy this enriching and educational experience. I thank my colleague from California for introducing this bill, and for working to refine its language so that we can solve this specific problem. This short bill proves that good things can come in small packages and I hope the Senate will follow the House and quickly pass this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 400—SUPPORTING THE GOALS AND IDEALS OF PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Ms. STABENOW (for herself, Mr. BEGICH, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. COCHRAN, Mr. JOHNSON of South Dakota, Ms. CANTWELL, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 400

Whereas the social work profession has been instrumental in achieving advances in civil and human rights in the United States and across the globe for more than a century;

Whereas the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable;

Whereas the programs and services provided by professional social workers are essential elements of the social safety net in the United States;

Whereas social workers make a critical impact on adolescent and youth development, aging and family caregiving, child protection and family services, health-care navigation, mental- and behavioral-health treatment, assistance to members and veterans of the Armed Forces, nonprofit management and community development, and poverty reduction;

Whereas social workers function as specialists, consultants, private practitioners, educators, community leaders, policy-makers, and researchers;

Whereas social workers influence many different organizations and human-service systems and are employed in workplaces ranging from private and public agencies, hospices and hospitals, schools and clinics, to businesses and corporations, military units, elected offices, think tanks, and foundations;

Whereas social workers seek to improve social functioning and social conditions for people in emotional, psychological, economic, or physical need;

Whereas social workers are experts in care coordination, case management, and therapeutic treatment for biopsychosocial issues;

Whereas social workers have roles in more than 50 different fields of practice;

Whereas social workers believe that the strength of a country depends on the ability of the majority of the people to lead productive and healthy lives;

Whereas social workers help people, who are often navigating major life challenges, find hope and new options for achieving maximum potential; and

Whereas social workers identify and address gaps in social systems that impede full participation by individuals or groups in society: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Professional Social Work Month and World Social Work Day;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and observe Professional Social Work Month and World Social Work Day;

(3) encourages the people of the United States to engage in appropriate ceremonies and activities to promote further awareness of the life-changing role that social workers play; and

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table.

SA 1905. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1906. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1907. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1908. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1909. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1910. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1911. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1833 proposed by Mr. REID (for Mr. REED (for himself, Ms. LANDRIEU, Mr. LEVIN, Mr. BROWN of Ohio, Mr. MERKLEY, Mr. AKAKA, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. HARKIN, Mr. DURBIN, and Mrs. SHAHEEN)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1912. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, Mrs. HAGAN, Mr. COONS, Mr. AKAKA, Mrs. MURRAY, Ms. LANDRIEU, Mr. KERRY, and Mr. KIRK)) to the bill H.R. 3606, supra; which was ordered to lie on the table.

SA 1913. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1836 proposed by Mr. REID (for Ms. CANTWELL (for herself, Mr. JOHNSON of South Dakota, Mr. GRAHAM, Mr. SHELBY, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of