

were never reunited with their owners. Some of the art has since been discovered in the United States.

(3) In 1998, the United States convened a conference with 44 nations in Washington, D.C., known as the Washington Conference, which produced Principles on Nazi-Confiscated Art. One of these principles is that “steps should be taken expeditiously to achieve a just and fair solution” to claims involving such art that has not been restituted if the owners or their heirs can be identified.

(4) The same year, Congress enacted the Holocaust Victims Redress Act (Public Law 105–158, 112 Stat. 15), which expressed the sense of Congress that “all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.”

(5) In 2009, the United States participated in a Holocaust Era Assets Conference in Prague, Czech Republic, with 45 other nations. At the conclusion of this conference, the participating nations issued the Terezin Declaration, which reaffirmed the 1998 Washington Conference Principles on Nazi-Confiscated Art and urged all participants “to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties.” The Declaration also urged participants to “consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.”

(6) Numerous victims of Nazi persecution and their heirs have taken legal action to recover Nazi-confiscated art. These lawsuits face significant procedural obstacles partly due to State statutes of limitations, which typically bar claims within some limited number of years from either the date of the loss or the date that the claim should have been discovered. In some cases, this means that the claims expired before World War II even ended. (See, e.g., *The Detroit Institute of Arts v. Ullin*, No. 06–10333, 2007 WL 1016996 (E.D. Mich. Mar. 31, 2007)). The unique and horrific circumstances of World War II and the Holocaust make statutes of limitations and other time-based procedural defenses especially burdensome to the victims and their heirs. Those seeking recovery of Nazi-confiscated art must painstakingly piece together their cases from a fragmentary historical record ravaged by persecution, war, and genocide. This costly process often cannot be done within the time constraints imposed by existing law.

(7) Federal legislation is needed because the only court that has considered the question held that the Constitution prohibits States from making exceptions to their statutes of limitations to accommodate claims involving the recovery of Nazi-confiscated art. In *Von Saher v. Norton Simon Museum of Art*, 592 F.3d 954 (9th Cir. 2009), the United States Court of Appeals for the Ninth Circuit invalidated a California law that extended the State statute of limitations for claims seeking recovery of Holocaust-era artwork. The Court held that the law was an unconstitutional infringement of the Federal Government's exclusive authority over foreign affairs, which includes the resolution of war-

related disputes. In light of this precedent, the enactment of a Federal law is the best way to ensure that claims to Nazi-confiscated art are adjudicated on their merits.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To ensure that laws governing claims to Nazi-confiscated art further United States policy as set forth in the Washington Conference Principles on Nazi-Confiscated Art, the Holocaust Victims Redress Act, and the Terezin Declaration.

(2) To ensure that claims to artwork stolen or misappropriated by the Nazis are not barred by statutes of limitations and other similar legal doctrines but are resolved in a just and fair manner on the merits.

SEC. 4. DEFINITIONS.

In this Act—

(1) the term “actual discovery” does not include any constructive knowledge imputed by law;

(2) the term “artwork or other cultural property” includes any painting, sculpture, drawing, work of graphic art, print, multiples, book, manuscript, archive, or sacred or ceremonial object;

(3) the term “persecution during the Nazi era” means any persecution by the Nazis or their allies during the period from January 1, 1933, to December 31, 1945, that was based on race, ethnicity, or religion; and

(4) the term “unlawfully lost” includes any theft, seizure, forced sale, sale under duress, or any other loss of an artwork or cultural property that would not have occurred absent persecution during the Nazi era.

SEC. 5. STATUTE OF LIMITATIONS.

(a) **IN GENERAL.**—Notwithstanding any other provision of Federal law, any provision of State law, or any defense at law or equity relating to the passage of time (including the doctrine of laches), a civil claim or cause of action against a defendant to recover any artwork or other cultural property unlawfully lost because of persecution during the Nazi era or for damages for the taking or detaining of any artwork or other cultural property unlawfully lost because of persecution during the Nazi era may be commenced not later than 6 years after the actual discovery by the claimant or the agent of the claimant of—

(1) the identity and location of the artwork or cultural property; and

(2) information or facts sufficient to indicate that the claimant has a claim for a possessory interest in the artwork or cultural property that was unlawfully lost.

(b) **POSSIBLE MISIDENTIFICATION.**—For purposes of subsection (a)(1), in a case in which there is a possibility of misidentification of the artwork or cultural property, the identification of the artwork or cultural property shall occur on the date on which there are facts sufficient to determine that the artwork or cultural property is likely to be the artwork or cultural property that was unlawfully lost.

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—Subsection (a) shall apply to any civil claim or cause of action (including a civil claim or cause of action described in paragraph (2)) that is—

(A) pending on the date of enactment of this Act; or

(B) filed during the period beginning on the date of enactment of this Act and ending on December 31, 2026.

(2) **INCLUSION OF PREVIOUSLY DISMISSED CLAIMS.**—A civil claim or cause of action described in this paragraph is a civil claim or cause of action—

(A) that was dismissed before the date of enactment of this Act based on the expiration of a Federal or State statute of limitations or any other defense at law or equity

relating to the passage of time (including the doctrine of laches); and

(B) in which final judgment has not been entered.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 416—RECOGNIZING THE CONTRIBUTIONS OF HAWAII TO THE CULINARY HERITAGE OF THE UNITED STATES AND DESIGNATING THE WEEK BEGINNING ON JUNE 12, 2016, AS “NATIONAL HAWAIIAN FOOD WEEK”

Mr. SCHATZ (for himself, Mr. ISAKSON, Ms. HIRONO, and Mr. PERDUE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 416

Whereas when individuals first came to the Hawaiian islands more than 1,500 years ago, there was little to eat other than birds and a few species of ferns, but the individuals found rich volcanic soil, a year-round growing season, and abundant fisheries;

Whereas the history of Hawaii is inextricably linked with—

(1) foods brought to the Hawaiian islands by the first individuals who came to Hawaii and successive waves of voyagers to the Hawaiian islands;

(2) the agricultural and ranching potential of the land of Hawaii; and

(3) the readily available seafood from the ocean and coasts of Hawaii;

Whereas the food cultures initially brought to Hawaii came from places including French Polynesia, China, Japan, Portugal, North Korea, South Korea, the Philippines, Puerto Rico, and Samoa;

Whereas the foods first brought to Hawaii were simple, hearty fare of working men and women that reminded the men and women of their distant homes;

Whereas individuals in Hawaii, in the spirit of Aloha, shared favorite dishes with each other, and as a result, the individuals began to appreciate new tastes and learned how to bring new ideas into their cooking;

Whereas the blend of styles in Hawaiian cooking evolves as new groups of individuals make Hawaii their home;

Whereas the fusion of dishes from around the world creates a unique cuisine for Hawaii that is as much a part of a visit to Hawaii as the welcoming climate, friendly individuals, and beautiful beaches in Hawaii;

Whereas the food of Hawaii is appealing because it came from hard-working communities of individuals that farmed, fished, or ranched for their livelihoods, which are core experiences of individuals throughout the United States;

Whereas the growing appreciation for the food of Hawaii comes from hard-working and ingenious farmers, fishers, educators, ranchers, chefs, and businesses that innovate and export the taste of Hawaii all over the world; and

Whereas as the taste for the food of Hawaii spreads across the United States, individuals in Hawaii proudly welcome individuals in the State of Georgia to partner and bring the cuisine of the individuals “home” to new communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on June 12, 2016, as “National Hawaiian Food Week”; and

(2) recognizes the contributions of Hawaii to the culinary heritage of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3518. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes; which was ordered to lie on the table.

SA 3519. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3520. Mr. TESTER (for himself, Mr. HOEVEN, and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3521. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3522. Ms. CANTWELL (for herself, Mrs. MURRAY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3523. Mr. SCOTT (for himself, Mr. GRAHAM, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3524. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra.

SA 3525. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3526. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3527. Mr. RUBIO (for himself, Mr. BLUNT, Mrs. CAPITO, Mr. CASSIDY, Mr. GRAHAM, Mr. MANCHIN, Mr. RISCH, Mrs. SHAHEEN, Mr. SULLIVAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3528. Mr. RUBIO (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3529. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3530. Mr. SCHUMER (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3531. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3532. Mr. NELSON (for himself and Mr. COATS) submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3533. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3534. Ms. CANTWELL (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3535. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3536. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3537. Mr. PAUL (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3538. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3539. Mr. BLUNT (for himself, Mr. WYDEN, Mr. BENNET, Mr. PORTMAN, Ms. BALDWIN, Mr. VITTER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BURR, Ms. AYOTTE, Mr. CARPER, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3540. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3541. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3542. Mr. HOEVEN (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3543. Mr. HOEVEN (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3544. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3545. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3546. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3547. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3548. Mr. BLUMENTHAL (for himself, Mr. MARKEY, and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3549. Mr. MARKEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3550. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3551. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3552. Mrs. FEINSTEIN (for herself, Mr. BENNET, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3553. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3554. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3555. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3556. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3557. Mr. FLAKE (for himself, Mr. LEAHY, Mr. DURBIN, Mr. ENZI, Ms. COLLINS, Mr. HELLER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3558. Mrs. FEINSTEIN (for herself, Mr. TILLIS, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3559. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3560. Mr. WARNER (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3561. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3464 submitted by Mr. THUNE (for himself and Mr. NELSON) to the bill H.R. 636, supra; which was ordered to lie on the table.

SA 3562. Mr. WARNER (for himself and Mr. BLUNT) submitted an amendment intended to