

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE
5 RESOLUTION 1062

By: Wesselhoft

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8 AS INTRODUCED

9 A Resolution encouraging the Oklahoma Congressional
10 Delegation and Congress to support, co-author and
11 vote for the Holocaust Expropriated Art Recovery
12 (HEAR) Act; and providing for distribution.

13 WHEREAS, the Holocaust Expropriated Art Recovery (HEAR) Act,
14 facilitates the return of artwork stolen by Nazis during the
15 Holocaust to their rightful owners or heirs; and

16 WHEREAS, the HEAR Act would ensure that claims in the United
17 States to Nazi-confiscated art are resolved in a fair and just
18 manner on the merits and are not barred by state statutes of
19 limitations and other procedural defenses; and

20 WHEREAS, adopting the HEAR Act is consistent with long-standing
21 United States foreign policy, as expressed in the 1998 Washington
22 Conference Principles on Nazi-Confiscated Art, the Holocaust Victims
23 Redress Act and the 2009 Terezin Declaration; and

1 WHEREAS, during the Third Reich, the Nazis stole hundreds of
2 thousands of works of art from museums and private collections
3 throughout Europe, in what has been termed the "greatest
4 displacement of art in human history"; and

5 WHEREAS, when World War II ended, the United States and its
6 allies attempted to return the stolen art to their countries of
7 origin, but despite these efforts, many pieces were never reunited
8 with their owners or heirs; and

9 WHEREAS, the United States government has long worked with other
10 nations to ensure that victims and their families are able to
11 recover art tragically stolen by the Nazis; and

12 WHEREAS, the HEAR Act would ensure that claims to Nazi-
13 confiscated art are not unfairly barred by statutes of limitations
14 and other similar procedural defenses but are instead resolved on
15 their merits; and

16 WHEREAS, to ensure resolution of claims on their merits, the
17 HEAR Act creates a six-year statute of limitations for claims to
18 recover art that was unlawfully lost due to theft, seizure, forced
19 sale, sale under duress or the like because of racial, ethnic or
20 religious persecution by the Nazis or their allies during the period
21 from January 1, 1933, to December 31, 1945; and

22 WHEREAS, the six-year limitations period under the HEAR Act
23 commences upon "actual discovery" of the identity and location of
24 the art that was unlawfully lost and information or facts sufficient

1 to indicate that the claimant has a possessory interest in the art;
2 and

3 WHEREAS, the six-year limitations period under the HEAR Act
4 applies to any claim that is pending on the date of enactment,
5 including any claim that was dismissed before enactment based on a
6 time-based procedural defense but is on appeal or is filed after
7 enactment but on or before December 31, 2026. Claims filed after
8 that date will not have the benefit of the HEAR Act limitations
9 period; and

10 WHEREAS, the HEAR Act preempts any other applicable federal or
11 state statutes of limitations.

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
13 OF THE 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

14 THAT the Oklahoma House of Representatives hereby encourages the
15 Oklahoma Congressional Delegation and the United States Congress to
16 support, co-author and vote for the Holocaust Expropriated Art
17 Recovery (HEAR) Act.

18 THAT copies of this resolution be distributed to each member of
19 the Oklahoma Congressional Delegation.

20
21 DIRECT TO CALENDAR.

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