

105TH CONGRESS
2D SESSION

H. R. 4138

To encourage the identification and return of stolen artwork.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1998

Mr. SCHUMER (for himself and Mrs. LOWEY) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To encourage the identification and return of stolen artwork.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stolen Artwork Res-
5 titution Act of 1998”.

6 **SEC. 2. GRANTS TO RESEARCH ORGANIZATIONS TO HELP**

7 **IDENTIFY AND RELOCATE STOLEN ARTWORK.**

8 (a) **AUTHORITY.**—The Attorney General may make
9 grants to qualified research organizations to identify and
10 relocate stolen artwork.

11 (b) **QUALIFIED RESEARCH ORGANIZATIONS DE-**
12 **FINED.**—In this section, the term “qualified research or-

1 ganizations” means research organizations which the At-
2 torney General finds to be qualified, by reason of demon-
3 strable ability, to identify and relocate stolen artwork.

4 (c) TERMS AND CONDITIONS.—Grants under this
5 section may be made under such terms and conditions as
6 the Attorney General may require. The Attorney General
7 shall require such reports from the recipients of grants
8 as the Attorney General considers necessary to ensure that
9 the grants are being used appropriately and effectively.

10 (d) REPORT.—The Attorney General shall transmit
11 an annual report to the Congress listing the organizations
12 which have received grants under this section.

13 **SEC. 3. PRIVATE INQUIRY WITH RESPECT TO CERTAIN ART-**
14 **WORK.**

15 (a) INQUIRY REQUIRED ON REQUEST.—If a request
16 is made under subsection (b), the seller or the purchaser
17 of artwork with a sales price of \$5,000 or more, that at
18 any time has been shipped in interstate or foreign com-
19 merce, shall before the sale undertake a documented, rea-
20 sonable inquiry into the ownership history of the artwork,
21 including obtaining information from one or more missing
22 or stolen artwork registries.

23 (b) REQUEST.—Before a sale described in subsection
24 (a), an individual may request an inquiry under that sub-
25 section if the individual produces sufficient evidence, ac-

1 cording to standards established by the Attorney General,
2 that the artwork for which the individual requests an in-
3 quiry was stolen from the individual or from a member
4 of the individual's family.

5 (c) EFFECTIVE DATE.—This section shall apply to
6 artwork sold 60 days or more after the date of the enact-
7 ment of this Act.

8 **SEC. 4. INQUIRY WITH RESPECT TO FEDERALLY-OWNED**
9 **ARTWORK.**

10 (a) INQUIRY.—The Attorney General shall undertake
11 a documented, reasonable, multisource inquiry, including
12 obtaining information from one or more missing or stolen
13 artwork registries, with respect to all artwork in the pos-
14 session of the Federal Government to determine whether
15 any such artwork has been stolen.

16 (b) COOPERATION.—Each department, agency, and
17 instrumentality of the United States shall cooperate with
18 the Attorney General in connection with the inquiry un-
19 dertaken pursuant to this section.

20 (c) REPORT.—The Attorney General shall transmit
21 a report to the Congress describing the results of the in-
22 quiry undertaken pursuant to this section.

23 **SEC. 5. SENSE OF THE CONGRESS.**

24 It is the sense of the Congress that—

1 (1) a purchaser or seller of artwork who fails to
2 undertake an inquiry required under section 3(a)
3 should not be permitted to assert in a court in the
4 United States a claim, under Federal, State, or oth-
5 erwise applicable law, to ownership or former owner-
6 ship of the artwork;

7 (2) all museums and auction houses should un-
8 dertake documented, reasonable, multisource inquir-
9 ies, including obtaining information from one or
10 more missing or stolen artwork registries, with re-
11 spect to the artwork in their possession to determine
12 whether any such artwork has been stolen;

13 (3) all governments in possession of artwork
14 stolen from victims of the Holocaust should return
15 that artwork to its rightful owners; and

16 (4) parties disputing the ownership of stolen
17 artwork should attempt to resolve their disputes by
18 alternative means, such as by arbitration, before
19 seeking judicial remedies.

20 **SEC. 6. EXCLUSION.**

21 For the purposes of this Act, published or unpub-
22 lished literary works shall not be considered artwork.

23 **SEC. 7. DEFINITIONS.**

24 In this Act—

1 (1) the term “member of the individual’s fam-
2 ily” means a spouse, child, sibling, parent, uncle,
3 aunt, nephew, niece, grandparent, grandchild, great
4 uncle, great aunt, grand nephew, or grand niece of
5 the individual; and

6 (2) the term “missing or stolen artwork reg-
7 istries” means international registries of artwork,
8 each of which maintains a computerized database of
9 not fewer than 50,000 missing or stolen works.

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 For the period encompassing fiscal years 1999
12 through 2001 there are authorized to be appropriated to
13 the Attorney General \$15,000,000 to carry out this Act.
14 Of such amount, \$5,000,000 may only be awarded as
15 grants under section 2.

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