

119TH CONGRESS
1ST SESSION

H. R. 4235

To clarify the Holocaust Expropriated Art Recovery Act of 2016, to appropriately limit the application of defenses based on the passage of time and other non-merits defenses to claims under that Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2025

Ms. LEE of Florida (for herself, Mr. NADLER, Mr. RASKIN, Ms. GOODLANDER, and Mr. FITZGERALD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To clarify the Holocaust Expropriated Art Recovery Act of 2016, to appropriately limit the application of defenses based on the passage of time and other non-merits defenses to claims under that Act.

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. HOLOCAUST EXPROPRIATED ART RECOVERY**

4 **ACT OF 2016 IMPROVEMENTS.**

5 (a) IN GENERAL.—The Holocaust Expropriated Art
6 Recovery Act of 2016 (22 U.S.C. 1621 note) is amend-
7 ed—

8 (1) in section 2—

1 (A) by redesignating paragraph (8) as
2 paragraph (10);

3 (B) by inserting after paragraph (7) the
4 following:

5 “(8) The intent of this Act is to permit claims
6 to recover Nazi-looted art to be brought, notwith-
7 standing the passage of time since World War II.
8 Some courts have frustrated the intent of this Act
9 by dismissing recovery lawsuits in reliance on de-
10 fenses based on the passage of time, such as laches
11 (for example, *Zuckerman v Metropolitan Museum of*
12 *Art*, 928 F.3d 186 (2d Cir. 2019)) or adverse pos-
13 session, acquisitive prescription, or usucapion (for
14 example, *Cassirer v. Thyssen-Bornemisza Founda-*
15 *tion*, 89 F.4th 1226 (9th Cir. 2024)) or on other
16 non-merits discretionary defenses, such as the act of
17 state doctrine (for example, *Von Saher v Norton*
18 *Simon Museum*, 897 F.3d 1141 (9th Cir. 2018)),
19 forum non-conveniens, international comity, or pru-
20 dential exhaustion. In order to effectuate the pur-
21 pose of the Act to permit claims to recover Nazi-
22 looted art to be resolved on the merits, these de-
23 fenses must be precluded.

24 “(9) This Act also is intended to allow claims
25 in accordance with the procedures under this Act for

1 the recovery of artwork or other property lost during
 2 the covered period because of Nazi persecution, re-
 3 gardless of the nationality or citizenship of the al-
 4 leged victim, notwithstanding the ‘domestic takings’
 5 rule under Federal Republic of Germany v. Philipp,
 6 592 U.S. 169 (2021).’; and

7 (C) in paragraph (10), as so redesignated,
 8 by striking “will yield just and fair resolutions
 9 in a more efficient and predictable manner”
 10 and inserting “may, in some circumstances,
 11 yield just and fair resolutions as well”;

12 (2) in section 3(2), by inserting “and other
 13 non-merits defenses” after “statutes of limitation”;

14 (3) in section 5—

15 (A) by striking subsection (g);

16 (B) by redesignating subsections (e) and
 17 (f) as subsections (h) and (i), respectively;

18 (C) by redesignating subsections (b), (c),
 19 and (d) as subsections (c), (d), and (e), respec-
 20 tively;

21 (D) by inserting after subsection (a) the
 22 following:

23 “(b) RELATION TO FOREIGN STATE IMMUNITIES.—
 24 Notwithstanding any other law or prior judicial decision,
 25 any civil claim or cause of action covered by subsection

1 (a) shall be deemed to be an action in which rights in vio-
 2 lation of international law are in issue for purposes of
 3 1605(a)(3) of title 28, United States Code, without regard
 4 to the nationality or citizenship of the alleged victim.”;

5 (E) in subsection (d), as so redesignated,
 6 in the matter preceding paragraph (1), by strik-
 7 ing “subsection (e)” and inserting “subsection
 8 (h)”;

9 (F) in subsection (e), as so redesignated—
 10 (i) in the matter preceding paragraph
 11 (1), by striking “Subsection (a)” and in-
 12 serting “Subsections (a), (b), (f), and (g)”;
 13 and

14 (ii) in paragraph (2), by striking
 15 “during the period” and all that follows
 16 and inserting “on or after the date of en-
 17 actment of this Act.”; and

18 (G) by inserting after subsection (e), as so
 19 redesignated, the following:

20 “(f) DEFENSES BASED ON PASSAGE OF TIME AND
 21 OTHER NON-MERITS DEFENSES.—With respect to any
 22 claim that is otherwise timely under this Act—

23 “(1) all defenses or substantive doctrines based
 24 on the passage of time, including laches, adverse

1 possession, acquisitive prescription, and usucapion,
2 may not be applied with respect to the claim; and

3 “(2) all non-merits discretionary bases for dis-
4 missal, including the act of state doctrine, inter-
5 national comity, forum non-conveniens, prudential
6 exhaustion, and similar doctrines unrelated to the
7 merits, may not be applied with respect to the claim.

8 “(g) NATIONWIDE SERVICE OF PROCESS.—For a
9 civil action brought under subsection (a) in any State or
10 Federal court, process may be served in the judicial dis-
11 trict where the case is brought or any other judicial dis-
12 trict of the United States where the defendant may be
13 found, resides, has an agent, or transacts business.”; and

14 (4) by adding at the end the following:

15 **“SEC. 6. SEVERABILITY.**

16 “If any provision of this Act, or the application of
17 a provision of this Act to any person or circumstance, is
18 held invalid, the remainder of this Act, and the application
19 of such provision to other persons and circumstances, shall
20 not be affected thereby.”.

21 (b) APPLICABILITY.—The amendments made by sub-
22 section (a) shall apply with respect to any civil claim or
23 cause of action that is—

24 (1) pending in any court on the date of enact-
25 ment of this Act, including any civil claim or cause

1 of action that is pending on appeal or for which the
2 time to file an appeal has not expired; or

3 (2) filed on or after the date of enactment of
4 this Act.

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