



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, MONDAY, MARCH 19, 2012

No. 45

House of Representatives

The House met at 4 p.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day. We give You thanks for the beauty of this city as the blossoms of spring burst forth with the promise of hope.

May the minds and hearts of the Members of this people's House be similarly filled with beauty and hope as they return to the important work to be done. It is difficult and often contentious work. Bless them with peace, patience, and with good will.

Bless us this day and every day, and may all that is done within these hallowed Halls this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from American Samoa (Mr. FALEOMAVAEGA) come forward and lead the House in the Pledge of Allegiance.

Mr. FALEOMAVAEGA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VETERANS IN SOUTH LOUISIANA DESERVE BETTER

(Mr. BOUSTANY asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, last week, I was furious to learn veterans in south Louisiana must wait even longer to receive an upgrade to promised veterans' clinical services in Lafayette and Lake Charles due to bureaucratic incompetence—or something worse. After years of hard work, effort, and patience, the VA is pressing the reset button on these projects. This is unacceptable. I refuse to stand by and allow Washington to give false assurances of hope to those who fought so bravely for our country.

As the Lake Charles American Press stated:

It took the United States and its Allies only 45 months to defeat the Axis powers of Germany, Japan, and Italy in World War II. It's obscene that 46 months after the VA announced it would open a clinic in Lake Charles, veterans are still waiting for ground to be broken.

Making broken promises like these to our Nation's veterans is shameful. I will continue to lead the fight to protect our veterans against the broken promises of the VA in Washington. I look forward to bringing specific concerns to Veterans Affairs Secretary Eric Shinseki's attention regarding this absurd incompetence.

IT'S TIME TO ACCELERATE OUR WITHDRAWAL FROM AFGHANISTAN

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Madam Speaker, the time to accelerate our withdrawal from Afghanistan has arrived. Afghanistan has very little to do with the security of most Americans. Osama bin Laden is dead, and al Qaeda is decimated. In fact, there may be 50, at the most, al Qaeda between Afghanistan and Paki-

stan. There are more in other parts of the world. But the reality is that the Afghans don't want people from Saudi Arabia or Egypt or Yemen or wherever telling them what to do. But neither do they want Americans telling them how to live their lives.

But while our security is not threatened, we owe a responsibility to our brave young men and women in uniform because their security is threatened, largely through reasons that were wholly out of their control. They're waging a valiant fight to do what we have asked them to do, but we have a responsibility to make sure that no lives are lost in vain. It's time to accelerate our withdrawal from Afghanistan.

REPEAL OBAMACARE IN WHOLE OR IN PART

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, this Friday marks the second anniversary of ObamaCare.

Since that day 2 years ago, we've seen multiple reports and heard firsthand the disastrous effects of the law that allowed the Federal Government to take over our health care system. People in the Fifth District of North Carolina tell me they're worried about the cost of health care and about the 15-person board that will be making decisions about their health care.

The President and Democrats said, "If you like your health care plan, you can keep it." But now we know this is not the case. The Independent Payment Advisory Board will pick and choose what should be cut from Medicare medical services. And they will do so without any accountability to the American people, to Congress, or to even the President.

As we prepare to vote on another bill that would repeal another part of this

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H1369

disastrous law, we should remember that Americans should have the freedom to make their own health care decisions, Mr. Speaker, and ObamaCare takes that away.

It's time to repeal ObamaCare for good, either in whole or in part.

PAYING TRIBUTE TO HIS MAJESTY THE LATE KING GEORGE TUPOU V OF TONGA

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today with sadness to pay tribute to His Majesty King George Tupou V of the Kingdom of Tonga, who passed away yesterday. I was privileged to have known His Majesty King George Tupou for many years, and I will remember him as a noble leader who was passionate about serving his people.

King George Tupou V assumed the throne in 2006, and after the death of his father, His Majesty King Taufa'ahau Tupou IV, he led the Pacific's only remaining monarchy into a more democratic form of government, introducing Tonga's first popularly elected Parliament and Prime Minister 2 years ago. He was known as a progressive leader who promoted the private sector, technological advances, and many more as an open economy.

As fellow Polynesians, the people of American Samoa share many historical and cultural ties with the people of Tonga, and we join together in giving our deepest condolences to Her Majesty Queen Mata'aho, the royal family, and the good people of Tonga.

TWO YEARS LATER, AMERICA WANTS A SECOND OPINION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, this week and next, there will be two opportunities for a thoughtful, forward course on health care here in the people's House, and across the street at the highest court of the land.

The Supreme Court next week hears out arguments on the limits to Federal control in health care. A ruling is expected later this summer. Perhaps our long national nightmare will be over. And guess what? Half of America, as reported in *The Hill* today in a poll, thinks the Supreme Court will do just that.

This week, Americans will witness the House embarking on a course of their treatment for the health care law. We are going to vote to repeal the unelected and unaccountable panel that's squeezing out patient access. We will insist on medical justice reform to drive down the costs of liability coverage for doctors who make sound treatment decisions.

Madam Speaker, the last Congress force-fed the American people a new

health care law. Americans are demanding a second opinion. After revelations of unrealistic assumptions and cost overruns, Americans want a change of course, and now this Congress will act.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 4 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1703

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 5 o'clock and 3 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m.

FOREIGN CULTURAL EXCHANGE JURISDICTIONAL IMMUNITY CLARIFICATION ACT

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4086) to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4086

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 that provides for the temporary exhibition or display of such work entered into between a foreign state that it is the owner or custodian of such work and the United States or one 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 (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) the notice thereof has been published in accordance with subsection (a) of Public Law 89-259,

any activity in the United States of such foreign state, or of any carrier, that is associated with the temporary exhibition or display of such work shall not be considered to be commercial activity by such foreign state for purposes of subsection (a)(3) of this section.

"(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, as that term is defined in section 1603(d) of this title; and

"(C) such determination is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3) of this section.

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

"(A) the term 'work' means a work of art or other object of cultural significance;

"(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 of Germany; and

"(iv) any government that was an ally of the Nazi government of Germany during the covered period; and

"(C) the term 'covered period' means the period beginning on January 30, 1933, and ending on May 8, 1945."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4086 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Ohio (Mr. CHABOT), a leader on the Judiciary Committee, for introducing this legislation. I also want to thank Mr. CONYERS and Mr. COHEN for their support as well.

This bill preserves the ability of U.S. museums and educational institutions to continue to borrow foreign government-owned artwork and artifacts for temporary exhibition or display. The