

The benefits of cultural exchange include an increased understanding of and appreciation for foreign cultures, a decrease in xenophobia and prejudice, and perhaps even some diplomatic benefit in fostering mutual respect between our Nation and other nations.

IFSA worked well for 40 years. Unfortunately, the court's decision in *Malewicz [Malevich] v. City of Amsterdam* broadened the scope of the FSIA's expropriation exception to the point where it undermined IFSA.

The court construed the term "commercial activity" as used in the FSIA to include the temporary exhibit of artwork in the United States. This triggered the expropriation exception to sovereign immunity even though the works at issue in *Malewicz* had been immunized from seizure by the President.

The *Malewicz* case has had a chilling effect on loans of cultural property from foreign states.

According to a letter urging my support for this bill that I received from Graham W.J. Beal, Director of the Detroit Institute of Arts, both the Russian and Czech governments are refusing to lend works of art to American museums in the wake of this court decision.

Additionally, the Metropolitan Museum of Art withdrew a loan request to a Middle Eastern museum out of fear that once the works were in the U.S., their presence would be used as grounds for a lawsuit.

H.R. 4086 resolves the inconsistency between the IFSA and the FSIA created by the *Malewicz* decision by ensuring that any work that the President has immunized from seizure pursuant to IFSA will also immunize the foreign government owner of that work from a suit for damages under FSIA.

Second, the sovereign immunity provided for under this bill is limited to a very specific set of circumstances.

H.R. 4086 does not cover every possible claim concerning the ownership of artwork owned by a foreign government. For instance, the expropriation exception could be available for any claim concerning works that have not received immunity from seizure under IFSA.

Similarly, the expropriation exception remains available for a work that is not in the United States on temporary exhibit or display pursuant to an agreement.

Additionally, H.R. 4086 leaves untouched the other exceptions to sovereign immunity provided for in the FSIA, including the general "commercial activity" exception.

Third, I can support H.R. 4086 because it makes an exception for Nazi-era claims.

This carve-out is consistent with longstanding American policy to seek restitution when possible for victims of the Nazi government, its allied governments, and its affiliated governments.

In light of the unique historical sensitivities surrounding the Nazi government's deliberate campaign to steal artwork from its victims, H.R. 4086 rightfully ensures that victims of the Nazis are not foreclosed from pursuing damages for stolen art, even at the cost of foreclosing cultural exchange.

H.R. 4086 is an exceedingly modest bill that will nonetheless foster tremendous benefits for the American people.

I applaud Representative STEVE CHABOT, the sponsor of this bill, as well as my fellow co-sponsors, Judiciary Chairman LAMAR SMITH and Representative STEVE COHEN, for their leadership on this issue.

I urge my colleagues to support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4086, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ALLOWING ISRAELI ELIGIBILITY FOR CERTAIN VISAS

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3992) to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3992

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NONIMMIGRANT TRADERS AND INVESTORS FROM ISRAEL.

Israel shall be deemed to be a foreign state described in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) for purposes of clauses (i) and (ii) of such section if the Government of Israel provides similar nonimmigrant status to nationals of the United States.

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. 3992 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.

H.R. 3992 is legislation that was introduced by our colleague, HOWARD BERMAN, which I have cosponsored, and I appreciate his leadership on this issue. The Judiciary Committee approved this legislation by voice vote. The bill adds Israel to the list of countries eligible for E-2 visas.

E-2 visas are temporary visas available for foreign investors. A foreign national may be admitted initially for a period of 2 years under an E-2 visa and can apply for extensions in 2-year increments. The U.S. has entered into treaties of commerce that contain language similar to the E-2 visas since at least 1815, when we entered into a Con-

vention to Regulate Commerce with the United Kingdom.

Currently, the nationals of over 75 countries are eligible for E-2 status, from Albania to the Ukraine. In fiscal year 2010, over 25,000 aliens, including dependents, were granted E-2 visas.

In the past, countries became eligible for the E-2 program through treaties signed with the U.S. However, in 2003, the Judiciary Committee reached an understanding with the U.S. Trade Representative that, from now on, no immigration provisions were to be included in future trade agreements. As a result, specific legislation would be required to add countries to the E-2 program.

In order to qualify for an E-2 visa, an investor has to have a controlling interest in and demonstrate that they will develop and direct the enterprise. In addition, the investor has to invest and put at risk a substantial amount of capital. This is measured by a proportionality test: the higher the cost of the business, the lower the proportion of its total value the investment has to represent. In addition, the investment has to be large enough to ensure the investor's financial commitment to the enterprise and that the investor will successfully develop and direct it.

I urge my colleagues to support H.R. 3992, and I again thank my colleague, Congressman BERMAN of California, for introducing a commonsense bill that helps spur job creation and economic growth here at home and also invest in our relationship with one of our closest allies. The investments in business enterprises fostered by this bill benefit the economies of both the United States and Israel, and they also will create jobs and strengthen the already strong friendship between the United States and Israel.

Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I rise in support of H.R. 3992, a bill that places Israel on the list of countries eligible to receive E-2 treaty investor visas, and I yield myself as much time as I may consume.

I would like to begin by thanking Chairman SMITH for his strong support of this bipartisan legislation and for moving it quickly through the Judiciary Committee and to the floor. I also want to thank, along with Chairman SMITH, Chairman GALLEGLY and Ranking Member LOFGREN of the Immigration Subcommittee, as well as Chairman ROS-LEHTINEN of the Foreign Affairs Committee, for their support and authorship of this legislation.

This legislation will encourage further investment by Israeli business leaders in the United States and lead to the creation of more jobs for American workers. The scope of the legislation is narrow, but at a time when so many Americans are looking for work and families are struggling to make ends meet, every little bit helps.

Israel is one of our closest allies and a leading investor in the U.S. economy.

H.R. 3992 will further strengthen the bonds between our two countries while helping to create U.S. jobs.

There are many hundreds of Israeli companies present in the United States and hundreds of U.S. companies doing business in Israel. E-2 treaty investor visas will enable the business communities in both countries to expand their bilateral investment flow.

Currently, there are over 75 countries whose nationals are eligible for E-2 treaty investor visas. These nations range from Albania to Togo to the United Kingdom. This bill adds merely one country, which is already a significant business partner and contributor to our economic strength. We should be doing everything we can to bring additional Israeli innovations and technologies to the United States.

Israel is an incubator of entrepreneurship, already a global leader in security and defense technologies, medicine, agriculture, and clean energy. Our Nation will benefit greatly from bringing their innovations and scientific advancements to our shores; it would spur investment and introduce new products to the U.S. market.

Recently, a Tel-Aviv biotechnology company developed an advanced cell therapy product that has been used in Israel to achieve a drastic reduction of the mortality rate in patients with deep wound infections. The company invested in an FDA-approved facility in the United States that is engaged in the clinical production of cells.

□ 1720

This Israeli biotech company needs to temporarily transfer one of their executives to the United States to develop, direct, and to oversee local manufacturing to ensure a successful operation. An E-2 treaty investor visa would facilitate this process and allow other Israeli entrepreneurs to explore similar business opportunities with the confidence and assurance that they will be able to monitor their investments.

By passing this bill, Israeli investors are one step closer to expanding their business to our country and creating jobs for American workers. Israel is a trusted friend and a special ally, and this legislation expands business opportunities that will provide economic benefits for both countries. I urge my colleagues to support its passage.

Madam Speaker, I ask unanimous consent that the remarks of the ranking member of the Immigration Subcommittee, Ms. LOFGREN, be included in the RECORD.

The SPEAKER pro tempore. The gentleman's request will be covered by the earlier general leave order.

Mr. BERMAN. I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Judiciary Committee.

Mr. CONYERS. I thank the gentleman for yielding.

I'm glad that we can make this change of bringing together these de-

serving countries. I hope the bipartisan efforts coming from the Committee on the Judiciary, from both Chairman SMITH and from senior member HOWARD BERMAN, will be a foundation on which to consider additional immigration reforms, reforms that are desperately needed to help families and businesses across this country.

I rise today in support of H.R. 3992, a bipartisan proposal that would make Israel eligible to participate in the E-2 "Treaty Investor" visa program, which is now available to 79 other countries.

Although larger reform of our immigration laws has remained elusive, there are small places where we can work across the aisle to pass commonsense legislation and achieve incremental, but important, results.

H.R. 3992—introduced by my friend, Representative HOWARD BERMAN, along with Judiciary Chairman LAMAR SMITH, Foreign Affairs Chairwoman ILEANA ROS-LEHTINEN, and Immigration Subcommittee Ranking Member ZOE LOFGREN—is just such a bill.

This bipartisan bill allows citizens of Israel to come to the United States on E-2 visas for "treaty investors" if those individuals make substantial investments in businesses in the United States. And, those visas would only be available if Israel provides similar visas to U.S. citizens seeking to invest in businesses in Israel.

As I just mentioned, the E-2 visa program is currently available to citizens of 79 other countries. This list includes our closest allies and trading partners, including the United Kingdom, Canada, Mexico, Japan, Jordan, and South Korea. And it also includes countries that are perhaps less obvious, such as Pakistan, Honduras, Liberia, and Iran.

With a population of less than 8 million people, Israel is the United States' 22nd largest export market. Yet Israel is not currently eligible for E-2 visas. By expanding eligibility to Israeli citizens, and by Israel's expansion of similar visas to U.S. investors, we should see an increase in trade and investment beneficial to both nations.

I am glad that we can make this change for Israel and I look forward to working with HOWARD BERMAN and Chairman SMITH to afford this same opportunity to perhaps additional, deserving countries.

I also hope today's bipartisan efforts will provide a foundation to consider additional immigration reforms—reforms that are desperately needed to help businesses and families in my district in Michigan and across the country.

I thank Mr. BERMAN for introducing this bill. And I thank Chairman SMITH and Chairwoman ILEANA ROS-LEHTINEN of the Foreign Affairs Committee for their support of this important piece of legislation.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Madam Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BERMAN. I would like to introduce the entire statement of Ranking Member CONYERS and subcommittee Ranking Member LOFGREN into the

RECORD. I am unclear whether I am able to do that at this time.

The SPEAKER pro tempore. Permission for all Members to revise and extend their remarks was previously obtained by unanimous consent.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in strong support of H.R. 3992. Introduced by my friend and colleague from California, HOWARD BERMAN, this bipartisan bill will allow Israeli nationals who want to make substantial investments and create jobs in the United States to obtain E-2 "treaty investor" visas, if the Government of Israel extends an equivalent status to U.S. citizens.

An E-2 visa is a temporary, nonimmigrant visa that permits foreign investors to temporarily live and work in the U.S. if they make a substantial investment in an enterprise in the United States. Nationals of 79 countries are now eligible for E-2 visa status, including almost all of the United States' allies and trading partners.

Yet Israel, one of our closest and dearest allies, is not on the list.

Since April 3, 1954, Israel has been eligible for E-1 visas through the E-1 "treaty trader" program, which makes temporary visas available to employees of firms engaged in substantial trade between our two countries. These visas helped increase trade between our two nations, which saw trade exceeding \$36 billion in 2009. In 2009, Israel was the company to invest cash and inventory into a medical equipment company based in Massachusetts.

The E-2 visa program would create an incentive for these investments, and many others. Those investments in the United States will benefit both countries economically, helping to spur economic growth and job creation. And all of this with one of our country's closest and most steadfast allies. This bill is essentially a no-brainer.

It is not easy these days to find common ground on immigration issues. Mr. BERMAN deserves a good deal of credit for finding an area where we can find such common ground and for working with our Republican colleagues to make this a bipartisan bill. I want to extend my thanks to him for identifying this deficiency in our current immigration law, crafting a smart solution and then marshaling broad support for its adoption. Our country will be more prosperous, as will Israel, as a result of his efforts.

I also thank Chairman SMITH and Chairwoman ILEANA ROS-LEHTINEN of the Foreign Affairs Committee for their support of this important piece of legislation.

I urge my colleagues to support the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3992.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 23 minutes p.m.), the House stood in recess.

□ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 6 o'clock and 31 minutes p.m.

# REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2087, REMOVING RESTRICTIONS FOR ACCOMACK COUNTY LAND PARCEL

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-415) on the resolution (H. Res. 587) providing for consideration of the bill (H.R. 2087) to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia, which was referred to the House Calendar and ordered to be printed.

## ALLOWING ISRAELI ELIGIBILITY FOR CERTAIN VISAS

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to suspend the rules previously postponed.

The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3992) to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 61, as follows:

[Roll No. 111]

YEAS—371

Ackerman	Benishek	Brooks
Adams	Berg	Brown (GA)
Aderholt	Berkley	Brown (FL)
Alexander	Berman	Buchanan
Altmire	Biggert	Bucshon
Amash	Bilbray	Buerkle
Amodei	Bilirakis	Burgess
Andrews	Bishop (NY)	Burton (IN)
Austria	Bishop (UT)	Butterfield
Baca	Black	Calvert
Bachmann	Blackburn	Camp
Baldwin	Blumenauer	Canseco
Barletta	Bonamici	Cantor
Barrow	Bonner	Capito
Bartlett	Boren	Capps
Barton (TX)	Boswell	Capuano
Bass (CA)	Boustany	Cardoza
Bass (NH)	Brady (TX)	Carnahan
Becerra	Braley (IA)	Carney

Carson (IN)	Hensarling	Nunes
Carter	Herger	Nunnelee
Cassidy	Herrera Beutler	Olson
Castor (FL)	Higgins	Oliver
Chabot	Himes	Owens
Chaffetz	Hinojosa	Palazzo
Chandler	Hirono	Pallone
Chu	Hochul	Pastor (AZ)
Cicilline	Holden	Paulsen
Clarke (MI)	Holt	Pearce
Clarke (NY)	Hoyer	Pelosi
Clay	Huelskamp	Pence
Cleaver	Huizenga (MI)	Perlmutter
Clyburn	Hultgren	Peters
Coble	Hunter	Peterson
Coffman (CO)	Hurt	Petri
Cohen	Inslee	Pingree (ME)
Cole	Israel	Pitts
Conaway	Issa	Platts
Connolly (VA)	Jackson Lee	Poe (TX)
Conyers	(TX)	Pompeo
Cooper	Jenkins	Posey
Costa	Johnson (GA)	Price (GA)
Costello	Johnson (OH)	Price (NC)
Courtney	Johnson, E. B.	Quayle
Cravaack	Johnson, Sam	Quigley
Crenshaw	Jones	Rahall
Critz	Jordan	Rehberg
Crowley	Kaptur	Reichert
Cuellar	Keating	Renacci
Culberson	Kelly	Reyes
Cummings	Kildee	Ribble
Davis (CA)	Kind	Richardson
Davis (KY)	King (IA)	Rigell
DeFazio	King (NY)	Rivera
DeGette	Kingston	Roby
DeLauro	Kissell	Roe (TN)
Denham	Kline	Rogers (AL)
Dent	Kucinich	Rogers (KY)
DesJarlais	Labrador	Rogers (MI)
Deutch	Lamborn	Rokita
Diaz-Balart	Lance	Rooney
Doyle	Landry	Ros-Lehtinen
Dreier	Langevin	Roskam
Duffy	Lankford	Ross (AR)
Duncan (SC)	Larsen (WA)	Ross (FL)
Duncan (TN)	Larson (CT)	Rothman (NJ)
Edwards	Latham	Roybal-Allard
Ellmers	LaTourrette	Royce
Emerson	Latta	Runyan
Engel	Levin	Ruppersberger
Eshoo	LoBiondo	Ryan (OH)
Farenthold	Loebbeck	Ryan (WI)
Fattah	Long	Sánchez, Linda T.
Fincher	Lowey	Sarbanes
Fitzpatrick	Lucas	Scalise
Flake	Luetkemeyer	Scakowsky
Fleischmann	Luján	Schiff
Fleming	Lummis	Schmidt
Flores	Lungren, Daniel E.	Schrader
Forbes	Lynch	Schwartz
Fortenberry	Maloney	Schweikert
Fox	Matheson	Scott (SC)
Frank (MA)	Matsui	Scott (VA)
Franks (AZ)	McCarthy (CA)	Scott, Austin
Frelinghuysen	McCarthy (NY)	Scott, David
Fudge	McCauley	Sensenbrenner
Gallely	McClintock	Serrano
Garamendi	McCollum	Sessions
Gardner	McCotter	Sewell
Garrett	McDermott	Sherman
Gerlach	McGovern	Shimkus
Gibbs	McHenry	Shuster
Gibson	McIntyre	Simpson
Gohmert	McKeon	Slaughter
Goodlatte	McKinley	Smith (NE)
Gosar	McMorris	Smith (NJ)
Gowdy	Rodgers	Smith (TX)
Granger	McNerney	Smith (WA)
Graves (GA)	Meehan	Southerland
Graves (MO)	Meeks	Stark
Green, Al	Mica	Stearns
Green, Gene	Michaud	Stivers
Griffin (AR)	Miller (FL)	Stutzman
Griffith (VA)	Miller (MI)	Sullivan
Grimm	Miller (NC)	Sutton
Guinta	Miller, Gary	Thompson (CA)
Guthrie	Miller, George	Thompson (MS)
Hahn	Moore	Thompson (PA)
Hall	Mulvaney	Thornberry
Hanabusa	Murphy (PA)	Tiberi
Hanna	Myrick	Tierney
Harper	Nadler	Tipton
Harris	Napolitano	Tonko
Hartzer	Neal	Tsongas
Hastings (FL)	Neugebauer	Turner (OH)
Hastings (WA)	Noem	Upton
Hayworth	Nugent	Van Hollen
Heck		

Visclosky	Waxman	Wolf
Walberg	Webster	Womack
Walden	Welch	Woodall
Walz (MN)	West	Yoder
Wasserman	Westmoreland	Young (AK)
Schultz	Whitfield	Young (IN)
Waters	Wilson (SC)	
Watt	Wittman	

## NOT VOTING—61

Akin	Hinchey	Reed
Bachus	Honda	Richmond
Bishop (GA)	Jackson (IL)	Rohrabacher
Bono Mack	Johnson (IL)	Rush
Brady (PA)	Kinzinger (IL)	Sanchez, Loretta
Campbell	Lee (CA)	Schilling
Crawford	Lewis (CA)	Schock
Davis (IL)	Lewis (GA)	Shuler
Dicks	Lipinski	Sires
Dingell	Lofgren, Zoe	Speier
Doggett	Mack	Terry
Dold	Manzullo	Towns
Donnelly (IN)	Marchant	Turner (NY)
Ellison	Marino	Velázquez
Farr	Markey	Walsh (IL)
Filner	Moran	Wilson (FL)
Gingrey (GA)	Murphy (CT)	Woolsey
Gonzalez	Pascarell	Yarmuth
Grijalva	Paul	Young (FL)
Gutierrez	Polis	
Heinrich	Rangel	

□ 1855

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on Monday, March 19, 2012, I had a previously scheduled meeting with constituents in Champaign, Illinois. As a result, I am unable to attend votes this evening. Had I been present, I would have voted "yea" on H.R. 3992, to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House chamber today. Had I been present, I would have voted "yea" on rollcall vote 111.

Mr. DOLD. Mr. Speaker, due to district business, I was unavoidably back in my Congressional District on March 19, 2012. Had I been present, I would have voted "yea" on H.R. 3992, to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

Mr. FILNER. Mr. Speaker, on rollcall 111, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. PASCARELL. Mr. Speaker, I want to state for the record that on March 19, 2012, I missed the one rollcall vote of the day.

Had I been present, I would have voted "yea" on rollcall vote No. 111, on the motion to suspend the rules and pass H.R. 3992—To allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel.

Ms. WILSON of Florida. Mr. Speaker, on rollcall No. 111, had I been present, I would have voted "yea."