insurance treatment of trust accounts offered by credit unions with the treatment of similar accounts offered by banks.

H.R. 3468 was reported out of the Financial Services Committee on November 14, 2013 by voice vote.

H.R. 2672—CFPB RURAL DESIGNATION PETITION AND CORRECTION ACT

H.R. 2672, introduced by Representative Andy Barr (R–KY) would direct the CFPB to establish an application process determining whether a county should be designated as a rural area if the CFPB has not designated it as one. Designation of ''rural'' by the CFPB has many implications for credit unions, particularly with respect to the type of products credit unions may offer their members in these areas. For instance, the Escrow Requirements under the Truth in Lending Act Rule require certain lenders to create an escrow account for at least five years for higher-priced mortgage loans. If those loans are made by small lenders that operate predominately in rural or underserved counties, they are exempt from this requirement. Another example includes the Ability to Repay and Qualified Mortgage (QM) Standards Under the Truth in Lending Act rule by which mortgage loans with balloon payments do not meet the QM standard. Like the Escrow Rule, small lenders that operate predominately in rural areas are eligible to originate balloon-payment QMs. The CFPB has defined ''rural'' by using the U.S. Department of Agriculture Economic Research Services'' urban influence codes.

H.R. 2672 was reported out of the Financial Services Committee on March 14, 2014 by a vote of 54–1.

CONCLUSION

Each of these bills would reduce credit unions regulatory burden and help them better serve their members. They were all subject to thorough consideration by the Financial Services Committee, and as the votes indicate, they are noncontroversial. We urge you to support the bills when they come to the floor.

On behalf of America's credit unions and their 99 million members, thank you very much for your consideration of our views.

Best regards,

BILL CHENEY,
President & CEO.

MOUNTAIN WEST
CREDIT UNION ASSOCIATION,
Denver, CO.

Hon. ED PERLMUTTER,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PERLMUTTER. On behalf of the Mountain West Credit Union Association, the trade association that represents Colorado credit unions, I am writing to express our support for H.R. 3468—Credit Union Share Insurance Fund Parity Act, which provides the National Credit Union Share Insurance Fund (NCUSIF) coverage for trust accounts, such as interest on Lawyer Trust Accounts (IOLTAS) and other similar accounts.

As you know, attorneys routinely receive client funds that are to be placed in IOTLA accounts. These accounts generate interest for charitable causes, primarily civil legal services for economically disadvantaged citizens. Currently, credit unions are unable to offer IOTLA accounts to members because the Federal Credit Union Act does not permit NCUA to extend insurance coverage to these accounts. As a result, credit union members that would like to open IOLTAS are then forced to go to thrift or a bank.

If passed, this legislation would provide parity in the insurance treatment of these accounts for credit unions.

On behalf of Mountain West Credit Union Association and our member credit unions, I want to thank you and Congressman Royce for your leadership in sponsoring this important piece of legislation.

Sincerely,

SCOTT EARL,
President/CEO.

Mr. PERLMUTTER. Specifically, the bill extends insurance coverage to Interest on Lawyer Trust Accounts, as Mr. ROYCE said, and I will call those ''trust accounts or similar escrow accounts,'' those that are held at credit unions that are otherwise fully insured at FDIC-insured banks up to $250,000.

As a practicing lawyer for 25 years, I know Lawyer Trust Accounts in Colorado as COLTAs, or Colorado Lawyer Trust Accounts, which we established for our clients so that interest can be earned for various charities that might exist. For instance, legal aid which provides assistance to veterans or people involved in domestic violence situations.

Under our bill, if a credit union were ever to fail and needed to be resolved, then the client funds held in an escrow account would be insured and thus protected, regardless if the beneficiary is a member of the credit union or not. In my instance, if I had a trust account which had a number of different clients, some clients might be members of the credit union, others are not. Only those under current law that are members of the credit union are covered by share insurance. Those that are not members of the credit union are not covered. So we are trying to stop this differentiation between banks and credit unions.

Currently, the NCUA's regulations and legal opinions as established in 1996, which is one the letters we are introducing today, do not allow Federal deposit insurance equal to the coverage provided by the FDIC for accounts held by credit union members that contain funds owned by one or more nonmembers.

IOLTA accounts often contain funds from many clients, some of whom may not be members of the particular credit union where the attorney or the escrow agent has opened the account.

With an IOLTA account or other escrow accounts held in trust, under current law, the membership status of the client/beneficiary, and not of the agent or the attorney, is determinative as to whether an IOLTA account can be properly maintained. In order for a law firm or a real estate escrow company to maintain an IOLTA account at a credit union, either all of the clients whose funds would be deposited must be members of that credit union or the credit union must be designated as a low-income, which would allow it to accept nonmember funds.

Many States or bar associations require the funds in an IOLTA to be fully insured, meaning a lawyer may not be able to use a credit union for these accounts if they can't be fully covered.

It is important to note that this legislation should not be seen as an authorization to take nonmember deposits beyond the current regulatory limits, nor should it be seen as an authorization for the NCUA to increase those thresholds.

What we have before us today is a negotiated compromise. The language as introduced in the manager's amendment narrowly defines which accounts will be extended Credit Union Share Insurance Fund coverage. This includes IOLTA/COLTAFs and other escrow accounts held in trust.

I thank my friend from California for bringing this legislation. It is time that there be parity and that all of the clients be covered by the Share Insurance Fund.

I urge quick passage of H.R. 3468, the Credit Union Share Insurance Fund Parity Act.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 3468, as amended.

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

FOREIGN CULTURAL EXCHANGE JURISDICTIONAL IMMUNITY CLARIFICATION ACT

Mr. CHABOT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4292) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4292

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 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 subsection (a) of Public Law 89–259 (22 U.S.C. 2459(a)), 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 (22 U.S.C. 2459(a)),

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).

''(2) NAZI-ERA CLAIMS.—Paragraph (1) shall not apply in any case asserting jurisdiction under subsection (a)(3) in which rights in property taken in violation of international law are in issue within the meaning of that subsection and—

''(A) the property at issue is the work described in paragraph (1);

''(B) the action is based upon a claim that such work was taken in connection with the acts of a covered government during the covered period;

''(C) the court determines that the activity associated with the exhibition or display is commercial activity, as that term is defined in section 1603(d); and

''(D) a determination under subparagraph (C) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).

''(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 Government of Germany during the covered period;

''(ii) any government in any area in Europe that was occupied by the military forces of the Government of Germany during the covered period;

''(iii) any government in Europe that was established with the assistance or cooperation of the Government of Germany during the covered period; and

''(iv) any government in Europe that was an ally of the 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 Ohio (Mr. CHABOT) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 4292, currently under consideration.

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

There was no objection.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I would like to thank Chairman GOODLATTE, Ranking Member CONYERS, and my friend from Tennessee (Mr. COHEN) for cosponsoring this legislation.

This is simple, straightforward legislation. It clarifies the relationship between the Immunity from Seizure Act and the Foreign Sovereign Immunities Act to encourage the foreign lending of art to the United States.

Currently, artwork loaned by foreign governments is commonly immune to Federal court decisions and cannot be confiscated if the President finds that their display is in the national interest. However, foreign governments do not have immunity when commercial activity is involved. This bill seeks to clarify that artwork imported into the U.S. for temporary display is not commercial activity and should thus be immune from seizure. Specifically, my legislation would revise the United States Code and make clear that the import of artwork is not legally considered commercial activity if three elements are met:

First, the United States, or an educational institute therein, and a foreign government must agree to the exchange of artwork;

Second, the President must determine that such work is of cultural significance and the temporary exhibition of such work is in the national interest;

And third, the President's determination must be published in the Federal Register.

In enacting the Immunity from Seizure Act, Congress recognized that cultural exchange would produce substantial benefits to the United States, both artistically and diplomatically. Foreign lending should be allowed to continue to aid cultural understanding and increase public exposure to archeological artifacts. This bill reaffirms our country's commitment to the foreign lending of artwork to American museums.

However, for artwork and cultural objects owned by foreign governments, the intent of the Immunity from Seizure Act is being frustrated currently by the Foreign Sovereign Immunities Act. A provision of the Foreign Sovereign Immunities Act opens foreign governments up to the jurisdiction of U.S. courts for court actions if foreign government-owned artwork is temporarily imported into the U.S.

Similar to its Senate companion, this bill includes a Nazi-era exception which provides that immunity does not apply to cases in which property was taken in violation of international law, and those are things which are in question, and the action is based upon a claim that such work was taken in connection with acts of the German Government during the period of January 30, 1933, through May 8, 1945.

□ 1745

According to the American Association of Museum Directors, current law has led to, on several occasions, foreign governments declining to exchange artwork and cultural objects with the United States for temporary exhibitions.

In 2010, for example, the Russian Federation imposed a ban on state-owned art loans to American museums on the grounds that such works could be subject to legal action. As a result of this ban, several U.S. museums, which had loan agreements with the Russian national institutions, were forced to cancel long-planned Russian art exhibits.

In order to keep the exchange of foreign government-owned art flowing, Congress needs to clarify the relationship between these two acts that I previously described.

This legislation does just that: ensuring that museums, like the Cincinnati Museum Center and the Cincinnati Art Museum—both in my district—and other similar museums all across the country, may continue to present first-class exhibits and educate the public on cultural heritage and artwork from all around the globe.

Through the enactment of this legislation, we can secure foreign lending to American museums and ensure that foreign art lenders are not entangled in unnecessary litigation.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. COHEN. Madam Speaker, I yield myself such time as I may consume.

It is nice to see a Tennessean in the chair. James Knox Polk might have been the last one who was more permanent as Speaker of the House. Yes, it is good to see you.

To my friend, Mr. CHABOT, it is an honor to rise and to cosponsor this bill with you and with Mr. GOODLATTE and Mr. CONYERS.

Madam Speaker, I do rise in support of H.R. 4292, the Foreign Cultural Exchange Jurisdictional Immunity Clarification Act, also known as the FCEJIC Act.

This makes a modest, but important amendment to the expropriation exception of the Foreign Sovereign Immunities Act of 1976.

Specifically, it ensures that foreign states are immune from suits for damages concerning the ownership of cultural property when that property is in the United States pursuant to an agreement between the foreign state and the U.S. or a U.S.-based cultural or educational institution, when the President has granted the work at issue immunity from seizure pursuant to the Immunity from Seizure Act, and when the President's grant of immunity from seizure is published in the Federal Register.

The expropriation exception remains available to all claims concerning misappropriated cultural property to which these factual circumstances do not apply.

Additionally, H.R. 4292 ensures that the expropriation exception remains available for all Nazi-era claims. This is appropriate in light of the particularly concerted effort of the Nazis to seize artwork and other cultural property from citizens at that time, victims of the Holocaust and others.

There have been quite a few movies recently about some of the people in our armed services who helped rescue some of that artwork, which is to be commended, and it really brought out the horrific things in that area that

the Nazis did. They did so many horrific things, but they just wanted to destroy all culture, so any artwork that might be part of those claims would still be available.

With this finely and narrowly tailored amendment, we will have more opportunities to see art from Europe and from around the world. It is important to have exchanges of culture, so that people around the world understand the other cultures and so that it maybe makes the planet a little more safe. I support the bill as I understand that it still makes available redress for those who committed acts of expropriation during the Nazi era.

I thank Mr. CHABOT, who is my friend and who has done a great job, and we hope to keep the river flowing and the Delta Queen alive. I thank the Judiciary Committee chairman, BOB GOODLATTE, and our ranking member, the esteemed JOHN CONYERS, for their leadership.

I urge the House to pass the bill, and I would like to offer for the RECORD a letter from the Conference on Jewish Material Claims Against Germany, which speaks for itself, and for the American Jewish Congress in their stating that they would not oppose the passage of this bill.

CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY, INC.

New York, NY, December 19, 2013.

Mr. TIMOTHY RUB,

President, Association of Art Museum Directors, The George D. Widener Director and CEO, Philadelphia Museum of Art, Philadelphia, PA.

DEAR MR. RUB, Anita Difanis has now sent us the language of the most recent draft of the immunity bill (the ''Foreign Cultural Exchange Jurisdictional Immunity Clarification Act'') that the AAMD is asking be introduced to the Congress. We have reviewed the points that concerned us, namely those in regard to Nazi Era claims.

While we are not persuaded of the need for this special legislation, we have no objection to it. The American Jewish Committee concurs with this view.

Sincerely yours,

GREG SCHNEIDER,
Executive Vice-President.

Mr. COHEN. Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I would like to yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the Judiciary Committee.

Mr. GOODLATTE. I would like to begin by thanking Mr. CHABOT for introducing this legislation and by thanking Mr. CONYERS and Mr. COHEN for their support as well.

Madam Speaker, the Foreign Cultural Exchange Jurisdictional Immunity Clarification Act strengthens the ability of U.S. museums and educational institutions to borrow foreign government-owned artwork and cultural artifacts for temporary exhibition or display.

The United States has long recognized the importance of encouraging the cultural exchange of ideas through exhibitions of artwork and other artifacts loaned from other countries.

These exchanges expose Americans to other cultures and foster understanding between people of different nationalities, languages, religions, and races. Unfortunately, the future success of cultural exchanges is severely threatened by a disconnect between the Immunity from Seizure Act and the Foreign Sovereign Immunities Act.

Loans of artwork and cultural objects depend upon foreign lenders having confidence that the items they loan will be returned and that the loan will not open them up to lawsuits in U.S. courts.

For 40 years, the Immunity from Seizure Act provided foreign government lenders with this confidence. However, rulings in several recent Federal cases have undermined the protection provided by the Immunity from Seizure Act.

In these decisions, the Federal courts have held that the Immunity from Seizure Act does not preempt the Foreign Sovereign Immunities Act. The effect has been to open foreign governments up to the jurisdiction of U.S. courts simply because they loaned artwork or cultural objects to an American museum or educational institution.

This has significantly impeded the ability of U.S. institutions to borrow foreign government-owned items. It has also resulted in cultural exchanges being curtailed as foreign government lenders have become hesitant to permit their cultural property to travel to the United States.

This bill addresses this situation. It provides that, if the State Department grants immunity to a loan of artwork or cultural objects from—under the Immunity from Seizure Act, then the loan cannot subject a foreign government to the jurisdiction of U.S. courts under the Foreign Sovereign Immunities Act.

This is very narrow legislation. It only applies to one of the many grounds for jurisdiction under the Foreign Sovereign Immunities Act. Moreover, it requires the State Department to grant the artwork immunity under the Immunity from Seizure Act before its provisions apply, and in order to preserve the claims of victims of the Nazi government and its allies during World War II, the bill has an exception for claims brought by these victims.

If we want to encourage foreign governments to continue to lend artwork and other artifacts to American museums and educational institutions, we must enact this legislation.

Without the protections this bill provides, foreign governments will avoid the risk of lending their cultural items to American institutions, and the American public will lose the opportunity to view and appreciate these cultural objects from abroad.

I urge my colleagues to support this bill.

Mr. COHEN. Madam Speaker, in closing, I just want to comment that Mr. GOODLATTE's committee has now produced this bill and the next bill, the Lummis-Cohen bill, and we came together to work against sex trafficking last week.

So the Judiciary Committee, under the leadership of Mr. GOODLATTE, is starting to produce a lot of good, bipartisan legislation. I commend him for that work, and I hope we see more of it.

With that, I yield back the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I will be very brief. I would like to, first of all, thank the Cincinnati Museum Center and the Cincinnati Art Museum for bringing this matter to my attention.

I want to particularly thank the gentleman from Tennessee (Mr. COHEN) for his leadership on this bill, as well as to thank the chairman of the Judiciary Committee, Mr. GOODLATTE, and also the ranking member, Mr. CONYERS, for their leadership.

Without having any additional speakers, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4292.

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. COHEN. 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 motion will be postponed.

OPEN BOOK ON EQUAL ACCESS TO JUSTICE ACT

Mr. CHABOT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2919) to amend titles 5 and 28, United States Code, to require annual reports to Congress on, and the maintenance of databases on, awards of fees and other expenses to prevailing parties in certain administrative proceedings and court cases to which the United States is a party, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2919

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 ''Open Book on Equal Access to Justice Act''.

SEC. 2. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking '', United States Code'';

(2) by redesignating subsection (f) as subsection (i); and

(3) by striking subsection (e) and inserting the following: