

Buildings Act, 1926, redesignate the proposed paragraph (3) as paragraph (2).

(4) In paragraph (7) of section 307, strike "Office of Inspector General of the Department of State and the Broadcasting Board of Governors" and insert "offices of inspectors general of relevant United Nations agencies".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1730

#### REQUIRING A REGIONAL STRATEGY TO ADDRESS THE THREAT POSED BY BOKO HARAM

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence be discharged from further consideration of the bill (S. 1632) to require a regional strategy to address the threat posed by Boko Haram and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1632

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

#### SECTION 1. REGIONAL STRATEGY TO ADDRESS THE THREAT POSED BY BOKO HARAM.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall jointly develop and submit to the appropriate committees of Congress a five-year strategy to help enable the Government of Nigeria, members of the Multinational Joint Task Force to Combat Boko Haram (MNJTF) authorized by the African Union, and relevant partners to counter the regional threat of Boko Haram and assist the Government of Nigeria and its neighbors to accept and address legitimate grievances of vulnerable populations in areas affected by Boko Haram.

(2) ELEMENTS.—At a minimum, the strategy must address the following elements:

(A) Enhance, pursuant to existing authorities and restrictions, the institutional capacity, including military capabilities, of the Government of Nigeria and partner nations in the region, as appropriate, to counter the threat posed by Boko Haram.

(B) Provide humanitarian support to civilian populations impacted by Boko Haram's activity.

(C) Specific activities through which the United States Government intends to improve and enhance the capacity of Multinational Joint Task Force to Combat Boko Haram partner nations to investigate and prosecute human rights abuses by security forces and promote respect for the rule of law within the military.

(D) A means for assisting Nigeria, and as appropriate, Multinational Joint Task Force to Combat Boko Haram nations, to counter violent extremism, including efforts to address underlying societal factors shown to contribute to the ability of Boko Haram to radicalize and recruit individuals.

(E) A plan to strengthen and promote the rule of law, including by improving the capacity of the civilian police and judicial system in Nigeria, enhancing public safety, and responding to crime (including gender-based violence), while respecting human rights and strengthening accountability measures, including measures to prevent corruption.

(F) Strengthen the long-term capacity of the Government of Nigeria to enhance security for schools such that children are safer and girls seeking an education are better protected, and to combat gender-based violence and gender inequality.

(G) Identify and develop mechanisms for coordinating the implementation of the strategy across the inter-agency and with the Government of Nigeria, regional partners, and other relevant foreign partners.

(H) Identify the resources required to achieve the strategy's objectives.

(b) ASSESSMENT.—The Director of National Intelligence shall submit, to the appropriate committees of Congress, an assessment regarding—

(1) the willingness and capability of the Government of Nigeria and regional partners to implement the strategy developed under subsection (a), including the capability gaps, if any, of the Government and military forces of Nigeria that would need to be addressed to enable the Government of Nigeria and the governments of its partner countries in the region—

(A) to counter the threat of Boko Haram; and

(B) to address the legitimate grievances of vulnerable populations in areas affected by Boko Haram; and

(2) significant United States intelligence gaps concerning Boko Haram or on the willingness and capacity of the Government of Nigeria and regional partners to implement the strategy developed under subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that lack of economic opportunity and access to education, justice, and other social services contributes to the ability of Boko Haram to radicalize and recruit individuals.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to submit statements and extraneous materials for the RECORD on S. 1632.

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

There was no objection.

#### HOOR OF MEETING ON TOMORROW

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

#### 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 additional 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.

Any record votes on postponed questions will be taken later.

#### VIETNAM HELICOPTER CREW MEMORIAL ACT

Mr. HECK of Nevada. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4298) to direct the Secretary of the Army to place in Arlington National Cemetery a memorial honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4298

*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 "Vietnam Helicopter Crew Memorial Act".

#### SEC. 2. PLACEMENT OF MEMORIAL HONORING HELICOPTER PILOTS DURING THE VIETNAM WAR.

(a) IN GENERAL.—Subject to the requirements of section (c), the Secretary of the Army shall place in Arlington National Cemetery a memorial honoring helicopter pilots and crew members who served on active duty in the Armed Forces during the Vietnam era.

(b) DESIGN.—The memorial placed under subsection (a) shall measure 4 feet in height, 5 feet in width, and 1 foot in depth, and shall be based on a design approved by the Secretary of the Army and the Vietnam Helicopter Pilots Association.

(c) AGREEMENT FOR UPKEEP AND MAINTENANCE.—The Secretary of the Army may only place a memorial under subsection (a) if the Secretary enters into an agreement with the Vietnam Helicopter Pilots Association under which the Association agrees to pay all costs necessary to construct, install, and maintain the memorial, and to such other provisions as the Secretary may require.

(d) APPROVAL OF SITE.—The Secretary of the Army shall approve an appropriate site within Arlington National Cemetery for the memorial under subsection (a) to be placed.

(e) WAIVER OF ENVIRONMENTAL ASSESSMENT.—Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) shall not apply with respect to the memorial placed under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. HECK) and the gentleman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

## GENERAL LEAVE

Mr. HECK of Nevada. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

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

There was no objection.

Mr. HECK of Nevada. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4298, which directs the Department of the Army to place in Arlington National Cemetery a memorial honoring helicopter pilots and crew members who served on Active Duty in the Armed Forces during the Vietnam war.

Mr. Speaker, it is hard to think about the Vietnam war without thinking about the significant role both man and machinery played throughout the war effort. The helicopter was the mainstay for operational mobility, with approximately 12,000 helicopters used during the war by the Army, Navy, Marines, and Air Force.

These helicopters, flown by tremendously skilled pilots and manned by brave and competent crew chiefs, door gunners, and medics, brought a constant stream of troops and supplies to the battlefields and carried the wounded from the battlefields—all while operating under extreme conditions and at tremendous personal risk. Helicopter support to combat operations in Vietnam was not without significant loss. An estimated 5,000 helicopter pilots and crew members made the ultimate sacrifice during the war.

Mr. Speaker, I thank the gentleman from Nevada for introducing this bill to permanently honor and remember the sacrifice by the extraordinary helicopter pilots and crew members who served in Vietnam by placing a memorial in their honor in Arlington National Cemetery. Therefore, I strongly urge all Members to support this bill.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HECK of Nevada. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Nevada (Mr. AMODEI), my friend and colleague and the sponsor of this bill.

Mr. AMODEI. I thank my colleague from the Silver State and also the ranking member from the subcommittee.

Mr. Speaker, I really shouldn't be here talking about this bill right now. The reason this bill was necessitated is that the public law says that the Secretary of the Army can have monuments placed only in those sections of Arlington National Cemetery that are designated by the Secretary for such placement and only on land that the Secretary deems not suitable for burial. There are about 30 million square feet at Arlington National Cemetery when you take the presently under-

construction addition and the planned additional constructed addition—30 million square feet. This bill seeks this amount of space out of 30 million square feet.

For those of you who are challenged by visual numbers, that is 5 square feet that they have asked for for all services—not just the Army but all services—and to commemorate the fact that they were nearly 10 percent of the casualties in the Vietnam war—the Helicopter war.

I understand graves to be the primary mission for Arlington National Cemetery, and I respect that. I understand that there is a concern about being overrun with requests for memorials, and I concur with that concern. My problem is that that public law doesn't say there will be no memorials at Arlington National Cemetery.

By the decision that the administration at Arlington has made that says you can't have 5 square feet, they have basically changed the law effectively to: there are no memorials. The high bar that there should be for memorials, in effect, has been set up there, touching the ceiling. If these folks—for all services and for nearly 10 percent of the casualties in the Vietnam war—can't qualify, I wonder who can. So the necessity for this legislation: 5 square feet.

By the way, in the last quarter of a century, do you know how many memorials have been approved for placement at Arlington? You don't need all of the fingers on one hand. Four. You need all of the fingers; you just don't need the thumb. Four. We are not overrun with memorials.

As we sit here on the anniversary of Pearl Harbor and as we talk again about some Vietnam veterans, isn't it funny that we now have to come to Congress and run a bill to respect those folks who, by the way, probably kept a heck of a lot more names off that wall a little farther down the Mall from here.

I thank the bipartisan support that I have received from Members in both Houses—nationwide support. My request is this: if we want to say “no more memorials at Arlington,” then we ought to say that in the law. We shouldn't talk about space not being available for graves, and we shouldn't talk about people who represent almost 10 percent of the casualties in a conflict not being entitled to 5 square feet. By the way, at no cost to the government and with maintenance at no cost to the government.

With that in hand, I urge bipartisan nationwide support to do the right thing for almost 5,000 people who paid the ultimate sacrifice in the Helicopter war in the service, in these—what were then—cutting-edge iconic machines.

I thank my colleagues.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. HECK of Nevada. Mr. Speaker, as my colleague stated, the service, commitment, and dedication of the heli-

copter pilots during the Vietnam war were critical to saving many lives. As somebody who was an Army flight surgeon, who spent hundreds of hours in the back of a helicopter, and who served as the chief of aeromedical evacuation for the 325th Combat Support Hospital in Iraq in 2008, I can personally attest to the dedication, bravery, and commitment of the helicopter pilots and of the crew members and what they do for our men and women in uniform. Therefore, I strongly urge the House to support this bill and provide this memorial at Arlington National Cemetery.

I yield back the balance of my time.

Mr. THORBERRY. Mr. Speaker, I include the following exchange of letters in the RECORD during consideration of H.R. 4298:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON VETERANS' AFFAIRS,

Washington, DC, December 6, 2016.

Hon. WILLIAM M. “MAC” THORBERRY,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 4298, the Vietnam Helicopter Crew Memorial Act. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Veterans' Affairs.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do with the understanding that by waiving consideration of the bill, the Committee on Veterans' Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 4298 and into the Congressional Record during consideration of the measure on the House floor. Thank you.

Sincerely,

JEFF MILLER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,

Washington, DC, December 6, 2016.

Hon. JEFF MILLER,  
Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your letter regarding H.R. 4298, the Vietnam Helicopter Crew Memorial Act. As you noted, the bill contains subject matter that falls within the Rule X jurisdiction of the Committee on Veterans' Affairs.

I am most appreciative of your decision to waive formal consideration of H.R. 4298 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on Veterans' Affairs is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. I will urge the Speaker to appoint Members of the Committee on Veterans' Affairs to any conference committee named to consider this legislation.

I will include a copy of our letters in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

WILLIAM M. “MAC” THORBERRY,  
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. HECK) that the House suspend the rules and pass the bill, H.R. 4298.

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

A motion to reconsider was laid on the table.

### HOLOCAUST EXPROPRIATED ART RECOVERY ACT OF 2016

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6130) to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6130

*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 “Holocaust Expropriated Art Recovery Act of 2016”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) It is estimated that the Nazis confiscated or otherwise misappropriated hundreds of thousands of works of art and other property throughout Europe as part of their genocidal campaign against the Jewish people and other persecuted groups. This has been described as the “greatest displacement of art in human history”.

(2) Following World War II, the United States and its allies attempted to return the stolen artworks to their countries of origin. Despite these efforts, many works of art were never reunited with their owners. Some of the art has since been discovered in the United States.

(3) In 1998, the United States convened a conference with 43 other nations in Washington, DC, known as the Washington Conference, which produced Principles on Nazi-Confiscated Art. One of these principles is that “steps should be taken expeditiously to achieve a just and fair solution” to claims involving such art that has not been restituted if the owners or their heirs can be identified.

(4) The same year, Congress enacted the Holocaust Victims Redress Act (Public Law 105-158, 112 Stat. 15), which expressed the sense of Congress that “all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.”

(5) In 2009, the United States participated in a Holocaust Era Assets Conference in Prague, Czech Republic, with 45 other nations. At the conclusion of this conference, the participating nations issued the Terezin Declaration, which reaffirmed the 1998 Washington Conference Principles on Nazi-Confiscated Art and urged all participants “to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved

expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties.” The Declaration also urged participants to “consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.”

(6) Victims of Nazi persecution and their heirs have taken legal action in the United States to recover Nazi-confiscated art. These lawsuits face significant procedural obstacles partly due to State statutes of limitations, which typically bar claims within some limited number of years from either the date of the loss or the date that the claim should have been discovered. In some cases, this means that the claims expired before World War II even ended. (See, e.g., *Detroit Institute of Arts v. Ullin*, No. 06-10333, 2007 WL 1016996 (E.D. Mich. Mar. 31, 2007).) The unique and horrific circumstances of World War II and the Holocaust make statutes of limitations especially burdensome to the victims and their heirs. Those seeking recovery of Nazi-confiscated art must painstakingly piece together their cases from a fragmentary historical record ravaged by persecution, war, and genocide. This costly process often cannot be done within the time constraints imposed by existing law.

(7) Federal legislation is needed because the only court that has considered the question held that the Constitution prohibits States from making exceptions to their statutes of limitations to accommodate claims involving the recovery of Nazi-confiscated art. In *Von Saher v. Norton Simon Museum of Art*, 592 F.3d 954 (9th Cir. 2009), the United States Court of Appeals for the Ninth Circuit invalidated a California law that extended the State statute of limitations for claims seeking recovery of Holocaust-era artwork. The Court held that the law was an unconstitutional infringement of the Federal Government’s exclusive authority over foreign affairs, which includes the resolution of war-related disputes. In light of this precedent, the enactment of a Federal law is necessary to ensure that claims to Nazi-confiscated art are adjudicated in accordance with United States policy as expressed in the Washington Conference Principles on Nazi-Confiscated Art, the Holocaust Victims Redress Act, and the Terezin Declaration.

(8) While litigation may be used to resolve claims to recover Nazi-confiscated art, it is the sense of Congress that the private resolution of claims by parties involved, on the merits and through the use of alternative dispute resolution such as mediation panels established for this purpose with the aid of experts in provenance research and history, will yield just and fair resolutions in a more efficient and predictable manner.

#### SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To ensure that laws governing claims to Nazi-confiscated art and other property further United States policy as set forth in the Washington Conference Principles on Nazi-Confiscated Art, the Holocaust Victims Redress Act, and the Terezin Declaration.

(2) To ensure that claims to artwork and other property stolen or misappropriated by the Nazis are not unfairly barred by statutes of limitations but are resolved in a just and fair manner.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) **ACTUAL DISCOVERY.**—The term “actual discovery” means knowledge.

(2) **ARTWORK OR OTHER PROPERTY.**—The term “artwork or other property” means—

(A) pictures, paintings, and drawings;

(B) statutory art and sculpture;

(C) engravings, prints, lithographs, and works of graphic art;

(D) applied art and original artistic assemblages and montages;

(E) books, archives, musical objects and manuscripts (including musical manuscripts and sheets), and sound, photographic, and cinematographic archives and mediums; and

(F) sacred and ceremonial objects and Judaica.

(3) **COVERED PERIOD.**—The term “covered period” means the period beginning on January 1, 1933, and ending on December 31, 1945.

(4) **KNOWLEDGE.**—The term “knowledge” means having actual knowledge of a fact or circumstance or sufficient information with regard to a relevant fact or circumstance to amount to actual knowledge thereof.

(5) **NAZI PERSECUTION.**—The term “Nazi persecution” means any persecution of a specific group of individuals based on Nazi ideology by the Government of Germany, its allies or agents, members of the Nazi Party, or their agents or associates, during the covered period.

#### SEC. 5. STATUTE OF LIMITATIONS.

(a) **IN GENERAL.**—Notwithstanding any other provision of Federal or State law or any defense at law relating to the passage of time, and except as otherwise provided in this section, a civil claim or cause of action against a defendant to recover any artwork or other property that was lost during the covered period because of Nazi persecution may be commenced not later than 6 years after the actual discovery by the claimant or the agent of the claimant of—

(1) the identity and location of the artwork or other property; and

(2) a possessory interest of the claimant in the artwork or other property.

(b) **POSSIBLE MISIDENTIFICATION.**—For purposes of subsection (a)(1), in a case in which the artwork or other property is one of a group of substantially similar multiple artworks or other property, actual discovery of the identity and location of the artwork or other property shall be deemed to occur on the date on which there are facts sufficient to form a substantial basis to believe that the artwork or other property is the artwork or other property that was lost.

(c) **PREEXISTING CLAIMS.**—Except as provided in subsection (e), a civil claim or cause of action described in subsection (a) shall be deemed to have been actually discovered on the date of enactment of this Act if—

(1) before the date of enactment of this Act—

(A) a claimant had knowledge of the elements set forth in subsection (a); and

(B) the civil claim or cause of action was barred by a Federal or State statute of limitations; or

(2)(A) before the date of enactment of this Act, a claimant had knowledge of the elements set forth in subsection (a); and

(B) on the date of enactment of this Act, the civil claim or cause of action was not barred by a Federal or State statute of limitations.

(d) **APPLICABILITY.**—Subsection (a) shall apply to any civil claim or cause of action that is—

(1) pending in any court on the date of enactment of this Act, including any civil claim or cause of action that is pending on appeal or for which the time to file an appeal has not expired; or

(2) filed during the period beginning on the date of enactment of this Act and ending on December 31, 2026.

(e) **EXCEPTION.**—Subsection (a) shall not apply to any civil claim or cause of action barred on the day before the date of enactment of this Act by a Federal or State statute of limitations if—