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H.R. 6477 (114th): Foreign Cultural Exchange Jurisdictional Immunity Clarification Act

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The summary below was written by the Congressional Research Service, which is a nonpartisan division of the Library of Congress, and was published on Dec. 17, 2016.

(This measure has not been amended since it was introduced. The expanded summary of the House passed version is repeated here.)

Foreign Cultural Exchange Jurisdictional Immunity Clarification Act

(Sec. 2) This bill amends the federal judicial code with respect to denial of a foreign state's sovereign immunity from the jurisdiction of U.S. or state courts in commercial activity cases where rights in property taken in violation of international law are in issue and that property, or any property exchanged for it, is: (1) present in the United States in connection with a commercial activity carried on by the foreign state in the United States, or (2) owned by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United

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The bill grants a foreign state or certain carriers immunity from federal or state court jurisdiction for any activity in the United States associated with a temporary exhibition or display of a work of art or other object of cultural significance if:

the work of art or other object of cultural significance is imported into the United States from any foreign country pursuant to an agreement for its temporary exhibition or display between a foreign state that is its owner or custodian and the United States or U.S. cultural or educational institutions; and the President has determined that such work is culturally significant and its temporary exhibition or display is in the national interest. The bill denies immunity, however, in cases concerning rights in property taken in violation of international law in which the action is based upon a claim that the work was taken: (1) between January 30, 1933, and May 8, 1945, by the government of Germany or any government in Europe occupied, assisted, or allied by the German government; or (2) after 1900 in connection with the acts of a foreign government as part of a systematic campaign of coercive confiscation or misappropriation of works from members of a targeted and vulnerable group. For purposes of these denials of immunity, the court must determine that the activity associated with the exhibition or display is commercial and that determination must be necessary for the court to exercise jurisdiction over the foreign state.

(Sec. 3) The Department of State must ensure that foreign states that apply for such temporary exhibition immunity are notified of the amendments made by this bill.


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