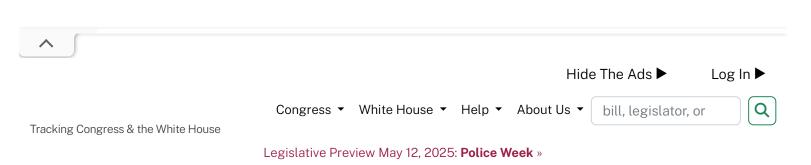
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H.R. 6477 (114th): Foreign Cultural Exchange Jurisdictional Immunity Clarification Act

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H. R. 6477

AN ACT

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.

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 state 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 <u>Public Law 89–259</u> (22
 <u>U.S.C. 2459(a)</u>), that such work is of cultural significance and the temporary exhibition or display of such work is in the national interest; and

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(C) the notice thereof has been published in accordance with subsection (a) of <u>Public Law</u> 89–259 (22 U.S.C. 2459(a)),

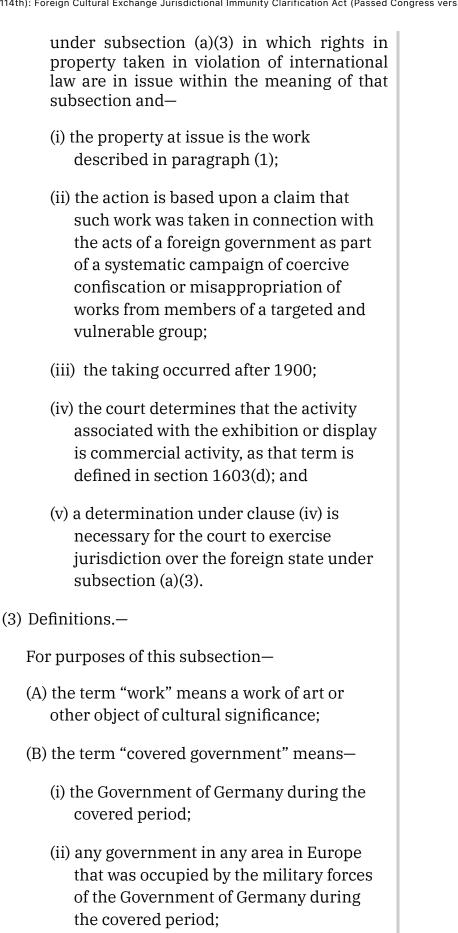
any activity in the United States of such foreign state, or of any carrier, that is associated with the temporary exhibition or display of such work shall not be considered to be commercial activity by such foreign state for purposes of subsection (a)(3).

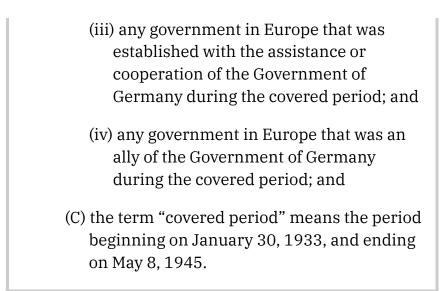
- (2) Exceptions.-
 - (A) Nazi-era claims.—

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—

- (i) the property at issue is the work described in paragraph (1);
- (ii) 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;
- (iii) 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
- (iv) a determination under clause (iii) is necessary for the court to exercise jurisdiction over the foreign state under subsection (a)(3).
- (B) Other culturally significant works.—

In addition to cases exempted under subparagraph (A), paragraph (1) shall not apply in any case asserting jurisdiction





(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.

Sec. 3. Notification

The Secretary of State shall ensure that foreign states that apply for immunity under Public Law 89–259 (22 U.S.C. 2459) are appropriately notified of the text of this Act.

Speaker of the House of Representatives..

Vice President of the United States and President of the Senate..

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