^{114TH CONGRESS} **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.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Foreign Cultural Ex-3 change Jurisdictional Immunity Clarification Act".

4 SEC. 2. CLARIFICATION OF JURISDICTIONAL IMMUNITY OF 5 FOREIGN STATES.

6 (a) IN GENERAL.—Section 1605 of title 28, United
7 States Code, is amended by adding at the end the fol8 lowing:

9 "(h) JURISDICTIONAL IMMUNITY FOR CERTAIN ART
10 EXHIBITION ACTIVITIES.—

11 "(1) IN GENERAL.—If—

12 "(A) a work is imported into the United 13 States from any foreign state pursuant to an 14 agreement that provides for the temporary exhi-15 bition or display of such work entered into between a foreign state that is the owner or cus-16 todian of such work and the United States or 17 18 one or more cultural or educational institutions 19 within the United States;

20 "(B) the President, or the President's des21 ignee, has determined, in accordance with sub22 section (a) of Public Law 89–259 (22 U.S.C.
23 2459(a)), that such work is of cultural signifi24 cance and the temporary exhibition or display
25 of such work is in the national interest; and

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1	"(C) the notice thereof has been published
2	in accordance with subsection (a) of Public Law
3	89–259 (22 U.S.C. 2459(a)),
4	any activity in the United States of such foreign
5	state, or of any carrier, that is associated with the
6	temporary exhibition or display of such work shall
7	not be considered to be commercial activity by such
8	for eign state for purposes of subsection $(a)(3)$.
9	"(2) EXCEPTIONS.—
10	"(A) NAZI-ERA CLAIMS.—Paragraph (1)
11	shall not apply in any case asserting jurisdic-
12	tion under subsection $(a)(3)$ in which rights in
13	property taken in violation of international law
14	are in issue within the meaning of that sub-
15	section and—
16	"(i) the property at issue is the work
17	described in paragraph (1);
18	"(ii) the action is based upon a claim
19	that such work was taken in connection
20	with the acts of a covered government dur-
21	ing the covered period;
22	"(iii) the court determines that the
23	activity associated with the exhibition or
24	display is commercial activity, as that term
25	is defined in section 1603(d); and

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1	"(iv) a determination under clause
2	(iii) is necessary for the court to exercise
3	jurisdiction over the foreign state under
4	subsection $(a)(3)$.
5	"(B) OTHER CULTURALLY SIGNIFICANT
6	WORKS.—In addition to cases exempted under
7	subparagraph (A), paragraph (1) shall not
8	apply in any case asserting jurisdiction under
9	subsection $(a)(3)$ in which rights in property
10	taken in violation of international law are in
11	issue within the meaning of that subsection
12	and—
13	"(i) the property at issue is the work
14	described in paragraph (1);
15	"(ii) the action is based upon a claim
16	that such work was taken in connection
17	with the acts of a foreign government as
18	part of a systematic campaign of coercive
19	confiscation or misappropriation of works
20	from members of a targeted and vulnerable
21	group;
22	"(iii) the taking occurred after 1900;
23	"(iv) the court determines that the ac-
24	tivity associated with the exhibition or dis-

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1	play is commercial activity, as that term is
2	defined in section 1603(d); and
3	"(v) a determination under clause (iv)
4	is necessary for the court to exercise juris-
5	diction over the foreign state under sub-
6	section $(a)(3)$.
7	"(3) DEFINITIONS.—For purposes of this sub-
8	section—
9	"(A) the term 'work' means a work of art
10	or other object of cultural significance;
11	"(B) the term 'covered government'
12	means—
13	"(i) the Government of Germany dur-
14	ing the covered period;
15	"(ii) any government in any area in
16	Europe that was occupied by the military
17	forces of the Government of Germany dur-
18	ing the covered period;
19	"(iii) any government in Europe that
20	was established with the assistance or co-
21	operation of the Government of Germany
22	during the covered period; and
23	"(iv) any government in Europe that
24	was an ally of the Government of Germany
25	during the covered period; and

"(C) the term 'covered period' means the
 period beginning on January 30, 1933, and
 ending on May 8, 1945.".

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to any civil action commenced on
6 or after the date of the enactment of this Act.

7 SEC. 3. NOTIFICATION.

8 The Secretary of State shall ensure that foreign 9 states that apply for immunity under Public Law 89–259 10 (22 U.S.C. 2459) are appropriately notified of the text of 11 this Act.

Passed the House of Representatives December 8, 2016.

Attest:

Clerk.

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