

113TH CONGRESS
2D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2014

Mr. CHABOT (for himself, Mr. CONYERS, Mr. GOODLATTE, and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Cultural Ex-
5 change Jurisdictional Immunity Clarification Act”.

1 **SEC. 2. CLARIFICATION OF JURISDICTIONAL IMMUNITY OF**
2 **FOREIGN STATES.**

3 (a) IN GENERAL.—Section 1605 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(h) JURISDICTIONAL IMMUNITY FOR CERTAIN ART
7 EXHIBITION ACTIVITIES.—

8 “(1) IN GENERAL.—If—

9 “(A) a work is imported into the United
10 States from any foreign country pursuant to an
11 agreement that provides for the temporary exhi-
12 bition or display of such work entered into be-
13 tween a foreign state that is the owner or cus-
14 todian of such work and the United States or
15 one or more cultural or educational institutions
16 within the United States,

17 “(B) the President, or the President’s des-
18 ignee, has determined, in accordance with sub-
19 section (a) of Public Law 89–259 (22 U.S.C.
20 2459(a)), that such work is of cultural signifi-
21 cance and the temporary exhibition or display
22 of such work is in the national interest, and

23 “(C) the notice thereof has been published
24 in accordance with subsection (a) of Public Law
25 89–259 (22 U.S.C. 2459(a)),

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

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

11 “(A) the property at issue is the work de-
12 scribed in paragraph (1);

13 “(B) the action is based upon a claim that
14 such work was taken in connection with the
15 acts of a covered government during the cov-
16 ered period;

17 “(C) the court determines that the activity
18 associated with the exhibition or display is com-
19 mercial activity, as that term is defined in sec-
20 tion 1603(d); and

21 “(D) a determination under subparagraph
22 (C) is necessary for the court to exercise juris-
23 diction over the foreign state under subsection
24 (a)(3).

1 “(3) DEFINITIONS.—For purposes of this sub-
2 section—

3 “(A) the term ‘work’ means a work of art
4 or other object of cultural significance;

5 “(B) the term ‘covered government’
6 means—

7 “(i) the Government of Germany dur-
8 ing the covered period;

9 “(ii) any government in any area in
10 Europe that was occupied by the military
11 forces of the Government of Germany dur-
12 ing the covered period;

13 “(iii) any government in Europe that
14 was established with the assistance or co-
15 operation of the Government of Germany
16 during the covered period; and

17 “(iv) any government in Europe that
18 was an ally of the Government of Germany
19 during the covered period; and

20 “(C) the term ‘covered period’ means the
21 period beginning on January 30, 1933, and
22 ending on May 8, 1945.”.

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

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