

THE LAWYERS'  
COMMITTEE FOR  
CULTURAL  
HERITAGE  
PRESERVATION

The Honorable Dianne Feinstein  
331 Hart Senate Building  
Washington, D.C. 20510  
Phone: (202) 224-3841  
Fax: (202) 228-3954

Dear Senator Feinstein:

I am a supporter of the Lawyers' Committee for Cultural Heritage Preservation, a not-for-profit organization based in Washington, D.C.

We respectfully ask the Senate to postpone the United States Foreign Cultural Exchange Jurisdictional Immunity Clarification Act (S. 2212/H.R. 4086) until it has addressed concerns with this bill through hearings open to all interested parties.

It has long been U.S. policy to prevent the movement and display of *illicit* art. Based on a careful balancing of interests, a narrow exception currently exists to prevent the judicial or administrative seizure of artwork imported for exhibition, but only in limited circumstances. S. 2212/H.R. 4086 goes beyond simply clarifying this existing statutory framework, which only grants objects immunity from seizure, and changes it significantly.

Instead of just precluding seizure, the proposed legislation would divest *all* courts of jurisdiction to entertain *any* legal action regarding an artwork that is immunized, barring victims of theft from recovering their rightful property. Additionally, S. 2212/H.R. 4086 does not impose a statutory obligation on the Department of State to consider whether a piece is subject to a valid claim before immunity is granted, let alone deny immunity if it is. The only exception is for Nazi-era looted items and this exception itself is riddled with exceptions. Other deserving claimants are left without recourse.

By allowing museums to knowingly exhibit stolen or looted art, S. 2212/H.R. 4086 sends a terrible message to the public, which counters the longstanding U.S. commitment to cultural heritage preservation and respect for individual property rights. Congress has been unable to adequately consider these concerns because of the unnecessary speed at which this proposed legislation is advancing. Many interested parties are unaware of it and have not had the opportunity to make their voices heard. Given there is no apparent reason for such undue haste, we again urge you to postpone this bill, pending open hearings.

We do support S. 2212/H.R. 4086's *purpose* of encouraging art lending to the U.S. and cultural exchange — and your own efforts to advance such an important goal — but believe that the Senate should involve all interested parties in this process.

Sincerely,