

Statute

Educational Resources > Art Law and Cultural Property > Cultural Property (Antiquities) Disputes Over Non-United States Property > Statutes

Foreign Relations and Intercourse, 22 U.S.C. § 2459, ("Federal Immunity from Seizure Act"), Immunity from Seizure of Cultural Objects Imported for Temporary Exhibition or Display



Citation

22 U.S.C. § 2459

Summary

22 U.S.C. § 2459 provides, in pertinent part, that if a work of art or object of cultural significance is imported into the United States pursuant to an agreement that allows for a temporary exhibition or display in a cultural or educational institution that is in the national interest and after published notice in the Federal Register, no court in the United States may issue or enforce any judicial process or order that would deprive such institution of custody or control of the object. The United States attorney has a right to intervene to deny, quash, or vacate in any such judicial process or order.

Text

TITLE 22. Foreign Relations and Intercourse
CHAPTER 33. Mutual Educational and Cultural Exchange Program

§ 2459. Immunity from seizure under judicial process of cultural objects imported for temporary exhibition or display

(a) Agreements; Presidential determination; publication in Federal Register. Whenever any work of art or other object of cultural significance is imported into the United States from any foreign country, pursuant to an agreement entered into between the foreign owner or custodian thereof and the United States or one or more cultural or educational institutions within the United States providing for the temporary exhibition or display thereof within the United States at any cultural exhibition, assembly, activity, or festival administered, operated, or sponsored, without profit, by any such cultural or educational institution, no court of the United States, any State, the District of Columbia, or any territory or possession of the United States may issue or enforce any judicial process, or enter any judgment, decree, or order, for the purpose or having the effect of depriving such institution, or any carrier engaged in transporting such work or object within the United States, of custody or control of such object if before the importation of such object the President or his designee has determined that such object is of cultural significance and that the temporary exhibition or display thereof within the United States is in the national interest, and a notice to that effect has been published in the Federal Register.

(b) Intervention of United States attorney in pending judicial proceedings. If in any judicial proceeding in any such court any such process, judgment, decree, or order is sought, issued, or entered, the United States attorney for the judicial district within which such proceeding is pending shall be entitled as of right to intervene as a party to that proceeding, and upon request made by either the institution adversely affected, or upon direction by the Attorney General if the United States is adversely affected, shall apply to such court for the denial, quashing, or vacating thereof.

(c) Enforcement of agreements and obligations of carriers under transportation contracts. Nothing contained in this Act [this section] shall preclude (1) any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such object of cultural significance; or (2) the institution or prosecution by or on behalf of any such institution or the United States of any action for or in aid of the fulfillment of any obligation assumed by such institution or the United States pursuant to any such agreement.

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