

A Drafter's Interpretation of the FSIA

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The Foreign Sovereign Immunities Act of 1976 ("FSIA" or "Act") was initiated by the Executive Branch.² Both the Act and its legislative history were drafted largely by attorneys in the Justice and State Departments. Its main purpose was to transfer determinations of foreign state immunity from the Department of State to the courts.³ Broadly speaking, the FSIA was intended to implement the restrictive theory of immunity, followed by the United States since 1952, but there were a number of innovations, including the "expropriation exception" set out in section 1605(a)(3). To properly understand this provision, one needs to appreciate the historical con-text in which Congress legislated and its intent at that time.

Read the entire article in the [ABA's Art & Cultural Heritage Law Newsletter](#).

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