

In the Senate of the United States,

April 13, 2016.

Resolved, That the bill from the House of Representatives (H.R. 1493) entitled “An Act to protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Protect and Preserve*
3 *International Cultural Property Act”.*

4 ***SEC. 2. SENSE OF CONGRESS.***

5 *It is the sense of Congress that the President should*
6 *establish an interagency coordinating committee to coordi-*
7 *nate the efforts of the executive branch to protect and pre-*
8 *serve international cultural property at risk from political*
9 *instability, armed conflict, or natural or other disasters.*
10 *Such committee should—*

1 (1) *be chaired by a Department of State em-*
2 *ployee of Assistant Secretary rank or higher, concur-*
3 *rent with that employee's other duties;*

4 (2) *include representatives of the Smithsonian*
5 *Institution and Federal agencies with responsibility*
6 *for the preservation and protection of international*
7 *cultural property;*

8 (3) *consult with governmental and nongovern-*
9 *mental organizations, including the United States*
10 *Committee of the Blue Shield, museums, educational*
11 *institutions, and research institutions, and partici-*
12 *pants in the international art and cultural property*
13 *market on efforts to protect and preserve inter-*
14 *national cultural property;*

15 (4) *coordinate core United States interests in—*

16 (A) *protecting and preserving international*
17 *cultural property;*

18 (B) *preventing and disrupting looting and*
19 *illegal trade and trafficking in international cul-*
20 *tural property, particularly exchanges that pro-*
21 *vide revenue to terrorist and criminal organiza-*
22 *tions;*

23 (C) *protecting sites of cultural and archae-*
24 *ological significance; and*

1 (D) providing for the lawful exchange of
2 international cultural property.

3 **SEC. 3. EMERGENCY PROTECTION FOR SYRIAN CULTURAL**
4 **PROPERTY.**

5 (a) *IN GENERAL.*—The President shall exercise the au-
6 thority of the President under section 304 of the Convention
7 on Cultural Property Implementation Act (19 U.S.C. 2603)
8 to impose import restrictions set forth in section 307 of that
9 Act (19 U.S.C. 2606) with respect to any archaeological or
10 ethnological material of Syria—

11 (1) not later than 90 days after the date of the
12 enactment of this Act;

13 (2) without regard to whether Syria is a State
14 Party (as defined in section 302 of that Act (19
15 U.S.C. 2601)); and

16 (3) notwithstanding—

17 (A) the requirement of subsection (b) of sec-
18 tion 304 of that Act (19 U.S.C. 2603(b)) that an
19 emergency condition (as defined in subsection (a)
20 of that section) applies; and

21 (B) the limitations under subsection (c) of
22 that section.

23 (b) *ANNUAL DETERMINATION REGARDING CERTIFI-*
24 *CATION.*—

25 (1) *DETERMINATION.*—

1 (A) *IN GENERAL.*—*The President shall, not*
2 *less often than annually, determine whether at*
3 *least 1 of the conditions specified in subpara-*
4 *graph (B) is met, and shall notify the appro-*
5 *priate congressional committees of such deter-*
6 *mination.*

7 (B) *CONDITIONS.*—*The conditions referred*
8 *to in subparagraph (A) are the following:*

9 (i) *The Government of Syria is in-*
10 *capable, at the time a determination under*
11 *such subparagraph is made, of fulfilling the*
12 *requirements to request an agreement under*
13 *section 303 of the Convention on Cultural*
14 *Property Implementation Act (19 U.S.C.*
15 *2602), including the requirements under*
16 *subsection (a)(3) of that section.*

17 (ii) *It would be against the United*
18 *States national interest to enter into such*
19 *an agreement.*

20 (2) *TERMINATION OF RESTRICTIONS.*—

21 (A) *IN GENERAL.*—*Except as provided in*
22 *subparagraph (B), the import restrictions re-*
23 *ferred to in subsection (a) shall terminate on the*
24 *date that is 5 years after the date on which the*

1 *President determines that neither of the condi-*
2 *tions specified in paragraph (1)(B) are met.*

3 *(B) REQUEST FOR TERMINATION.—If Syria*
4 *requests to enter into an agreement with the*
5 *United States pursuant to section 303 of the*
6 *Convention on Cultural Property Implementa-*
7 *tion Act (19 U.S.C. 2602) on or after the date*
8 *on which the President determines that neither of*
9 *the conditions specified in paragraph (1)(B) are*
10 *met, the import restrictions referred to in sub-*
11 *section (a) shall terminate on the earlier of—*

12 *(i) the date that is 3 years after the*
13 *date on which Syria makes such a request;*
14 *or*

15 *(ii) the date on which the United*
16 *States and Syria enter into such an agree-*
17 *ment.*

18 *(c) WAIVER.—*

19 *(1) IN GENERAL.—The President may waive the*
20 *import restrictions referred to in subsection (a) for*
21 *specified archaeological and ethnological material of*
22 *Syria if the President certifies to the appropriate con-*
23 *gressional committees that the conditions described in*
24 *paragraph (2) are met.*

1 (2) *CONDITIONS.*—*The conditions referred to in*
2 *paragraph (1) are the following:*

3 (A)(i) *The owner or lawful custodian of the*
4 *specified archaeological or ethnological material*
5 *of Syria has requested that such material be tem-*
6 *porarily located in the United States for protec-*
7 *tion purposes; or*

8 (ii) *if no owner or lawful custodian can*
9 *reasonably be identified, the President deter-*
10 *mines that, for purposes of protecting and pre-*
11 *serving such material, the material should be*
12 *temporarily located in the United States.*

13 (B) *Such material shall be returned to the*
14 *owner or lawful custodian when requested by*
15 *such owner or lawful custodian.*

16 (C) *There is no credible evidence that grant-*
17 *ing a waiver under this subsection will con-*
18 *tribute to illegal trafficking in archaeological or*
19 *ethnological material of Syria or financing of*
20 *criminal or terrorist activities.*

21 (3) *ACTION.*—*If the President grants a waiver*
22 *under this subsection, the specified archaeological or*
23 *ethnological material of Syria that is the subject of*
24 *such waiver shall be placed in the temporary custody*
25 *of the United States Government or in the temporary*

1 *custody of a cultural or educational institution with-*
2 *in the United States for the purpose of protection, res-*
3 *toration, conservation, study, or exhibition, without*
4 *profit.*

5 (4) *IMMUNITY FROM SEIZURE.—Any archae-*
6 *ological or ethnological material that enters the*
7 *United States pursuant to a waiver granted under*
8 *this section shall have immunity from seizure under*
9 *Public Law 89–259 (22 U.S.C. 2459). All provisions*
10 *of Public Law 89–259 shall apply to such material*
11 *as if immunity from seizure had been granted under*
12 *that Public Law.*

13 (d) *DEFINITIONS.—In this section:*

14 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
15 *TEES.—The term “appropriate congressional commit-*
16 *tees” means—*

17 (A) *the Committee on Foreign Relations*
18 *and the Committee on Finance of the Senate;*
19 *and*

20 (B) *the Committee on Foreign Affairs and*
21 *the Committee on Ways and Means of the House*
22 *of Representatives.*

23 (2) *ARCHAEOLOGICAL OR ETHNOLOGICAL MATE-*
24 *RIAL OF SYRIA.—The term “archaeological or ethno-*
25 *logical material of Syria” means cultural property*

1 *(as defined in section 302 of the Convention on Cul-*
2 *tural Property Implementation Act (19 U.S.C. 2601))*
3 *that is unlawfully removed from Syria on or after*
4 *March 15, 2011.*

5 **SEC. 4. REPORT.**

6 *Not later than 1 year after the date of the enactment*
7 *of this Act, and annually thereafter for the next 6 years,*
8 *the President shall submit to the appropriate congressional*
9 *committees a report on the efforts of the executive branch,*
10 *during the 12-month period preceding the submission of the*
11 *report, to protect and preserve international cultural prop-*
12 *erty, including—*

13 *(1) whether an interagency coordinating com-*
14 *mittee as described in section 2 has been established*
15 *and, if such a committee has been established, a de-*
16 *scription of the activities undertaken by such com-*
17 *mittee, including a list of the entities participating in*
18 *such activities;*

19 *(2) a description of measures undertaken pursu-*
20 *ant to relevant statutes, including—*

21 *(A) actions to implement and enforce sec-*
22 *tion 3 of this Act and section 3002 of the Emer-*
23 *gency Protection for Iraqi Cultural Antiquities*
24 *Act of 2004 (Public Law 108–429; 118 Stat.*
25 *2599), including measures to dismantle inter-*

1 *national networks that traffic illegally in cul-*
2 *tural property;*

3 *(B) a description of any requests for a*
4 *waiver under section 3(c) of this Act and, for*
5 *each such request, whether a waiver was granted;*

6 *(C) a list of the statutes and regulations*
7 *employed in criminal, civil, and civil forfeiture*
8 *actions to prevent illegal trade and trafficking in*
9 *cultural property;*

10 *(D) actions undertaken to ensure the con-*
11 *sistent and effective application of law in cases*
12 *relating to illegal trade and trafficking in cul-*
13 *tural property; and*

14 *(E) actions undertaken to promote the le-*
15 *gitimate commercial and non-commercial ex-*
16 *change and movement of cultural property; and*

17 *(3) actions undertaken in fulfillment of inter-*
18 *national agreements on cultural property protection,*
19 *including the Convention for the Protection of Cul-*
20 *tural Property in the Event of Armed Conflict, done*
21 *at The Hague May 14, 1954.*

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

H.R. 1493

AMENDMENT