

114TH CONGRESS
1ST SESSION

H. R. 1493

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2015

Received; read twice and referred to the Committee on Foreign Relations

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITION.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means the Committee on Foreign Affairs,
9 the Committee on Ways and Means, the Committee
10 on Armed Services, and the Committee on the Judi-
11 ciary of the House of Representatives and the Com-
12 mittee on Foreign Relations, the Committee on Fi-
13 nance, the Committee on Armed Services, and the
14 Committee on the Judiciary of the Senate.

15 (2) **CULTURAL PROPERTY.**—The term “cultural
16 property” includes property covered under—

17 (A) the Hague Convention for the Protec-
18 tion of Cultural Property in the Event of
19 Armed Conflict, concluded at The Hague on
20 May 14, 1954 (Treaty Doc. 106–1(A));

21 (B) Article 1 of the Convention Concerning
22 the Protection of the World’s Cultural and Nat-
23 ural Heritage, adopted by UNESCO on Novem-
24 ber 23, 1972 (commonly referred to as the
25 “1972 Convention”); or

1 (C) Article 1 of the Convention on the
2 Means of Prohibiting and Preventing the Illicit
3 Import, Export, and Transfer of Ownership of
4 Cultural Property, adopted by UNESCO on
5 November 14, 1970 (commonly referred to as
6 the “1970 UNESCO Convention”).

7 **SEC. 3. FINDINGS AND STATEMENT OF POLICY.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Over the years, international cultural prop-
10 erty has been looted, trafficked, lost, damaged, or
11 destroyed due to political instability, armed conflict,
12 natural disasters, and other threats.

13 (2) During China’s Cultural Revolution, many
14 antiques were destroyed, including a large portion of
15 old Beijing, and Chinese authorities are now at-
16 tempting to rebuild portions of China’s lost architec-
17 tural heritage.

18 (3) In 1975, the Khmer Rouge, after seizing
19 power in Cambodia, systematically destroyed
20 mosques and nearly every Catholic church in the
21 country, along with many Buddhist temples, statues,
22 and Buddhist literature.

23 (4) In 2001, the Taliban destroyed the
24 Bamiyan Buddhas, ancient statues carved into a

1 cliffside in central Afghanistan, leading to worldwide
2 condemnation.

3 (5) After the fall of Saddam Hussein, thieves
4 looted the Iraq Museum in Baghdad, resulting in the
5 loss of approximately 15,000 items, including an-
6 cient amulets, sculptures, ivories, and cylinder seals.
7 Many of these items remain unrecovered.

8 (6) The 2004 Indian Ocean earthquake and
9 tsunami not only affected 11 countries, causing mas-
10 sive loss of life, but also damaged or destroyed li-
11 braries, archives, and World Heritage Sites such as
12 the Mahabalipuram in India, the Sun Temple of
13 Koranak on the Bay of Bengal, and the Old Town
14 of Galle and its fortifications in Sri Lanka.

15 (7) In Haiti, the 2010 earthquake destroyed
16 art, artifacts, and archives, and partially destroyed
17 the 17th century Haitian city of Jacmel.

18 (8) In Mali, the Al-Qaeda affiliated terrorist
19 group Ansar Dine destroyed tombs and shrines in
20 the ancient city of Timbuktu—a major center for
21 trade, scholarship, and Islam in the 15th and 16th
22 centuries—and threatened collections of ancient
23 manuscripts.

24 (9) In Egypt, recent political instability has led
25 to the ransacking of museums, resulting in the de-

1 construction of countless ancient artifacts that will for-
2 ever leave gaps in humanity’s record of the ancient
3 Egyptian civilization.

4 (10) In Syria, the ongoing civil war has resulted
5 in the shelling of medieval cities, damage to five
6 World Heritage Sites, and the looting of museums
7 containing artifacts that date back more than six
8 millennia and include some of the earliest examples
9 of writing.

10 (11) In Iraq and Syria, the militant group ISIL
11 has destroyed numerous cultural sites and artifacts,
12 such as the Tomb of Jonah in July 2014, in an ef-
13 fort to eradicate ethnic and religious minorities from
14 contested territories. Concurrently, cultural antiq-
15 uities that escape demolition are looted and traf-
16 ficked to help fund ISIL’s militant operations.

17 (12) On February 12, 2015, the United Na-
18 tions Security Council unanimously adopted resolu-
19 tion 2199 (2015), which “[r]eaffirms its decision in
20 paragraph 7 of resolution 1483 (2003) and decides
21 that all Member States shall take appropriate steps
22 to prevent the trade in Iraqi and Syrian cultural
23 property and other items of archaeological, histor-
24 ical, cultural, rare scientific, and religious impor-
25 tance illegally removed from Iraq since 6 August

1 1990 and from Syria since 15 March 2011, includ-
2 ing by prohibiting cross-border trade in such items,
3 thereby allowing for their eventual safe return to the
4 Iraqi and Syrian people.”.

5 (13) United Nations Security Council resolution
6 2199 (2015) also warns that ISIL and other extrem-
7 ist groups are trafficking cultural heritage items
8 from Iraq and Syria to fund their recruitment ef-
9 forts and carry out terrorist attacks.

10 (14) The destruction of cultural property rep-
11 resents an irreparable loss of humanity’s common
12 cultural heritage and is therefore a loss for all
13 Americans.

14 (15) Protecting international cultural property
15 is a vital part of United States cultural diplomacy,
16 showing the respect of the United States for other
17 cultures and the common heritage of humanity.

18 (16) The United States Armed Forces have
19 played important roles in preserving and protecting
20 cultural property. In 1943, President Franklin D.
21 Roosevelt established a commission to advise the
22 United States military on the protection of cultural
23 property. The commission formed teams of individ-
24 uals known as the “Monuments Men” who are cred-
25 ited with securing, cataloguing, and returning hun-

1 dreds of thousands of works of art stolen by the
2 Nazis during World War II.

3 (17) The Department of State, in response to
4 the Convention on Cultural Property Implementation
5 Act, noted that “the legislation is important to our
6 foreign relations, including our international cultural
7 relations. The expanding worldwide trade in objects
8 of archaeological and ethnological interest has led to
9 wholesale depredations in some countries, resulting
10 in the mutilation of ceremonial centers and archae-
11 ological complexes of ancient civilizations and the re-
12 moval of stone sculptures and reliefs.”. The Depart-
13 ment further noted that “[t]he United States con-
14 siders that on grounds of principle, good foreign re-
15 lations, and concern for the preservation of the cul-
16 tural heritage of mankind, it should render assist-
17 ance in these situations.”.

18 (18) The U.S. Committee of the Blue Shield
19 was founded in 2006 to support the implementation
20 of the 1954 Hague Convention for the Protection of
21 Cultural Property in the Event of Armed Conflict
22 and to coordinate with the United States military,
23 other branches of the United States Government,
24 and other cultural heritage nongovernmental organi-
25 zations in preserving international cultural property

1 threatened by political instability, armed conflict, or
2 natural or other disasters.

3 (b) STATEMENT OF POLICY.—It shall be the policy
4 of the United States to—

5 (1) protect and preserve international cultural
6 property at risk of looting, trafficking, and destruc-
7 tion due to political instability, armed conflict, or
8 natural or other disasters;

9 (2) protect international cultural property pur-
10 suant to its obligations under international treaties
11 to which the United States is a party;

12 (3) prevent, in accordance with existing laws,
13 importation of cultural property pillaged, looted, sto-
14 len, or trafficked at all times, including during polit-
15 ical instability, armed conflict, or natural or other
16 disasters; and

17 (4) ensure that existing laws and regulations,
18 including import restrictions imposed through the
19 Office of Foreign Asset Control (OFAC) of the De-
20 partment of the Treasury, are fully implemented to
21 prevent trafficking in stolen or looted cultural prop-
22 erty.

1 **SEC. 4. UNITED STATES COORDINATOR FOR INTER-**
2 **NATIONAL CULTURAL PROPERTY PROTEC-**
3 **TION.**

4 The Secretary of State shall designate a Department
5 of State employee at the Assistant Secretary level or above
6 to serve concurrently as the United States Coordinator for
7 International Cultural Property Protection. The Coordi-
8 nator shall—

9 (1) coordinate and promote efforts to protect
10 international cultural property, especially activities
11 that involve multiple Federal agencies;

12 (2) act as Chair of the Coordinating Committee
13 on International Cultural Property Protection estab-
14 lished under section 5;

15 (3) resolve interagency differences;

16 (4) develop strategies to reduce illegal trade
17 and trafficking in international cultural property in
18 the United States and abroad, including by reducing
19 consumer demand for such trade;

20 (5) support activities to assist countries that
21 are the principle sources of trafficked cultural prop-
22 erty to protect cultural heritage sites and to prevent
23 cultural property looting and theft;

24 (6) work with and consult domestic and inter-
25 national actors such as foreign governments, inter-
26 governmental organizations, nongovernmental orga-

1 nizations, museums, educational institutions, and re-
2 search institutions to protect international cultural
3 property; and

4 (7) submit to the appropriate congressional
5 committees the annual report required under section
6 6.

7 **SEC. 5. COORDINATING COMMITTEE ON INTERNATIONAL**
8 **CULTURAL PROPERTY PROTECTION.**

9 (a) ESTABLISHMENT.—There is established a Coordi-
10 nating Committee on International Cultural Property Pro-
11 tection (in this section referred to as the “Committee”).

12 (b) FUNCTIONS.—The full Committee shall meet not
13 less often than annually to coordinate and inform Federal
14 efforts to protect international cultural property and to
15 facilitate the work of the United States Coordinator for
16 International Cultural Property Protection designated
17 under section 4.

18 (c) MEMBERSHIP.—The Committee shall be com-
19 posed of the United States Coordinator for International
20 Cultural Property Protection, who shall act as Chair, and
21 representatives of the following:

22 (1) The Department of State.

23 (2) The Department of Defense.

1 (3) The Department of Homeland Security, in-
2 cluding U.S. Immigration and Customs Enforcement
3 and U.S. Customs and Border Protection.

4 (4) The Department of the Interior.

5 (5) The Department of Justice, including the
6 Federal Bureau of Investigation.

7 (6) The United States Agency for International
8 Development.

9 (7) The Smithsonian Institution.

10 (8) Such other entities as the Chair determines
11 appropriate.

12 (d) SUBCOMMITTEES.—The Committee may include
13 such subcommittees and taskforces as the Chair deter-
14 mines appropriate. Such subcommittees or taskforces may
15 be comprised of a subset of the Committee members or
16 of such other members as the Chair determines appro-
17 priate. At the discretion of the Chair, the provisions of
18 the Federal Advisory Committee Act (5 U.S.C. App.) and
19 section 552b of title 5 of the United States Code (relating
20 to open meetings) shall not apply to activities of such sub-
21 committees or taskforces.

22 (e) CONSULTATION.—The Committee shall consult
23 with governmental and nongovernmental organizations,
24 including the U.S. Committee of the Blue Shield, muse-
25 ums, educational institutions, and research institutions on

1 efforts to promote and protect international cultural prop-
2 erty.

3 **SEC. 6. REPORTS ON ACTIVITIES TO PROTECT INTER-**
4 **NATIONAL CULTURAL PROPERTY.**

5 Not later than 1 year after the date of the enactment
6 of this Act and annually thereafter for the next 6 years,
7 the Secretary of State, acting through the United States
8 Coordinator for International Cultural Property Protec-
9 tion, and in consultation with the Administrator of the
10 United States Agency for International Development, the
11 Secretary of Defense, the Attorney General, and the Sec-
12 retary of Homeland Security, as appropriate, shall submit
13 to the appropriate congressional committees a report that
14 includes information on activities of—

15 (1) the United States Coordinator and the Co-
16 ordinating Committee on International Cultural
17 Property Protection to protect international cultural
18 property;

19 (2) the Department of State to protect inter-
20 national cultural property, including activities under-
21 taken pursuant to the Hague Convention for the
22 Protection of Cultural Property in the Event of
23 Armed Conflict, and other statutes, international
24 agreements, and policies, including—

1 (A) procedures the Department has insti-
2 tuted to protect international cultural property
3 at risk of destruction due to political instability,
4 armed conflict, or natural or other disasters;
5 and

6 (B) actions the Department has taken to
7 protect international cultural property in con-
8 flicts to which the United States is a party;

9 (3) the United States Agency for International
10 Development (USAID) to protect international cul-
11 tural property, including activities and coordination
12 with other Federal agencies, international organiza-
13 tions, and nongovernmental organizations regarding
14 the protection of international cultural property at
15 risk due to political unrest, armed conflict, natural
16 or other disasters, and USAID development pro-
17 grams;

18 (4) the Department of Defense to protect inter-
19 national cultural property, including activities under-
20 taken pursuant to the Hague Convention for the
21 Protection of Cultural Property in the Event of
22 Armed Conflict and other cultural property protec-
23 tion statutes and international agreements, includ-
24 ing—

1 (A) directives, policies, and regulations the
2 Department has instituted to protect inter-
3 national cultural property at risk of destruction
4 due to political instability, armed conflict, or
5 natural or other disasters; and

6 (B) actions the Department has taken to
7 avoid damage to cultural property through con-
8 struction activities abroad; and

9 (5) the Department of Homeland Security and
10 the Department of Justice, including the Federal
11 Bureau of Investigation, to protect both inter-
12 national cultural property abroad and international
13 cultural property located in, or attempted to be im-
14 ported into, the United States, including activities
15 undertaken pursuant to statutes and international
16 agreements, including—

17 (A) statutes and regulations the Depart-
18 ment has employed in criminal, civil, and civil
19 forfeiture actions to prevent and interdict traf-
20 ficking in stolen and smuggled cultural prop-
21 erty, including investigations into transnational
22 organized crime and smuggling networks; and

23 (B) actions the Department has taken in
24 order to ensure the consistent and effective ap-
25 plication of law in cases relating to both inter-

1 national cultural property abroad and inter-
2 national cultural property located in, or at-
3 tempted to be imported into, the United States.

4 **SEC. 7. AUTHORIZATION FOR FEDERAL AGENCIES TO EN-**
5 **GAGE IN INTERNATIONAL CULTURAL PROP-**
6 **ERTY PROTECTION ACTIVITIES WITH THE**
7 **SMITHSONIAN INSTITUTION.**

8 Notwithstanding any other provision of law, any
9 agency that is involved in international cultural property
10 protection activities is authorized to enter into agreements
11 or memoranda of understanding with the Smithsonian In-
12 stitution to temporarily engage personnel from the Smith-
13 sonian Institution for the purposes of furthering such
14 international cultural property protection activities.

15 **SEC. 8. EMERGENCY PROTECTION FOR SYRIAN CULTURAL**
16 **PROPERTY.**

17 (a) **PRESIDENTIAL DETERMINATION.**—Notwith-
18 standing subsection (b) of section 304 of the Convention
19 on Cultural Property Implementation Act (19 U.S.C.
20 2603) (relating to a Presidential determination that an
21 emergency condition applies with respect to any archae-
22 ological or ethnological material of any State Party to the
23 Convention), the President shall apply the import restric-
24 tions referred to in such section 304 with respect to any
25 archaeological or ethnological material of Syria, except

1 that subsection (c) of such section 304 shall not apply.
2 Such import restrictions shall take effect not later than
3 120 days after the date of the enactment of this Act.

4 (b) ANNUAL DETERMINATION REGARDING CERTIFI-
5 CATION.—

6 (1) DETERMINATION.—

7 (A) IN GENERAL.—The President shall,
8 not less often than annually, determine whether
9 at least one of the conditions specified in sub-
10 paragraph (B) is met, and shall notify the ap-
11 propriate congressional committees of such de-
12 termination.

13 (B) CONDITIONS.—The conditions referred
14 to in subparagraph (A) are the following:

15 (i) The Government of Syria is in-
16 capable, at the time a determination under
17 such subparagraph is made, of fulfilling
18 the requirements to request an agreement
19 under section 303 of the Convention on
20 Cultural Property Implementation Act (19
21 U.S.C. 2602).

22 (ii) It would be against the United
23 States national interest to enter into such
24 an agreement.

1 (2) TERMINATION OF RESTRICTIONS.—The im-
2 port restrictions referred to in subsection (a) shall
3 terminate on the date that is 5 years after the date
4 on which the President determines that neither of
5 the conditions specified in paragraph (1)(B) are
6 met, unless before such termination date Syria re-
7 quests to enter into an agreement with the United
8 States pursuant to section 303 of the Convention on
9 Cultural Property Implementation Act, in which case
10 such import restrictions may remain in effect until
11 the earliest of either—

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

14 (B) the date on which the United States
15 and Syria enter into such an agreement.

16 (c) WAIVER.—

17 (1) IN GENERAL.—The President may waive
18 the import restrictions referred to in subsection (a)
19 for specified cultural property if the President cer-
20 tifies to the appropriate congressional committees
21 that the conditions described in paragraph (2) are
22 met.

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

1 (A) The foreign owner or custodian of the
2 specified cultural property has requested such
3 property be temporarily located in the United
4 States for protection purposes.

5 (B) Such property shall be returned to the
6 foreign owner or custodian when requested by
7 such foreign owner or custodian.

8 (C) Granting a waiver under this sub-
9 section will not contribute to illegal trafficking
10 in cultural property or financing of criminal or
11 terrorist activities.

12 (3) ACTION.—If the President grants a waiver
13 under this subsection, the specified cultural property
14 that is the subject of such waiver shall be placed in
15 the temporary custody of the United States Govern-
16 ment or in the temporary custody of a cultural or
17 educational institution within the United States for
18 the purpose of protection, restoration, conservation,
19 study, or exhibition, without profit.

20 (4) RULE OF CONSTRUCTION.—Nothing in this
21 Act shall prevent application of the Act to render
22 immune from seizure under judicial process certain
23 objects of cultural significance imported into the
24 United States for temporary display or exhibition,
25 and for other purposes (22 U.S.C. 2459; Public Law

1 89–259) with respect to archaeological or ethno-
2 logical material of Syria.

3 (d) DEFINITIONS.—In this section—

4 (1) the term “archaeological or ethnological ma-
5 terial of Syria” means cultural property of Syria and
6 other items of archaeological, historical, cultural,
7 rare scientific, or religious importance unlawfully re-
8 moved from Syria on or after March 15, 2011; and

9 (2) the term “State Party” has the meaning
10 given such term in section 302 of the Convention on
11 Cultural Property Implementation Act (19 U.S.C.
12 2601).

Passed the House of Representatives June 1, 2015.

Attest:

KAREN L. HAAS,

Clerk.