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114TH CONGRESS
1ST SESSION

H. R. 2285

To improve enforcement against trafficking in cultural property and prevent stolen or illicit cultural property from financing terrorist and criminal networks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2015

Mr. KEATING (for himself, Mr. MCCAUL, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Homeland Security and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To improve enforcement against trafficking in cultural property and prevent stolen or illicit cultural property from financing terrorist and criminal networks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevent Trafficking in Cultural Property Act".

SEC. 2. DEFINITION.

In this Act, the term ''cultural property'' includes property covered under—

(1) Article 1 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at the Hague on May 14, 1954 (Treaty 13 Doc. 106–1(A)); or

(2) Article 1 of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, adopted by the United Nations Educational, Scientific and Cultural Organization (''UNESCO'') on November 14, 1970.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) ensure the Department of Homeland Security, specifically U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), enhances and unifies its efforts to—

(A) interdict, detain, seize, and investigate cultural property illegally imported into the United States;

(B) disrupt and dismantle smuggling and trafficking networks engaged in, conspiring to engage in, or facilitating illegal trade in cultural

property, including stolen antiquities used to finance terrorism; and

(C) support Offices of United States Attorneys in prosecuting persons engaged in, conspiring to engage in, or facilitating illegal trade in cultural property; and

(2) protect cultural property pursuant to its obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, and the Convention on Cultural Property Implementation Act (19 U.S.C. 2601–2613).

SEC. 4. ACTIVITIES OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security, acting through the Commissioner of CBP and the Director of ICE, as applicable, shall—

(1) direct CBP and ICE to each designate a principal coordinator or group of personnel to direct, manage, coordinate, and update their respective policies and procedures, as well as conduct interagency

communications, regarding illegally imported cultural property;

(2) direct CBP and ICE to each update existing directives, regulations, rules, and memoranda of understanding, and, if necessary, devise additional directives, regulations, rules, and memoranda of understanding, relating to policies and procedures on the illegal importation of cultural property in order to—

(A) reflect changes in cultural property law, including changes and updates to relevant treaties, bilateral agreements, statutes, regulations, and case law that occurred subsequent to Customs Directive No. 5230–015, ''Customs Directive on Detention and Seizure of Cultural Property'', dated April 18, 1991;

(B) emphasize investigating, and providing support for investigations and prosecutions, of persons engaged in, conspiring to engage in, or facilitating the illegal importation of cultural property, including smugglers, dealers, buyers, money launderers, and any other parties, facilitators, and enablers; and

(C) provide for communication, coordination, and unity of effort between relevant CBP

and ICE offices in investigating and supporting prosecutions of persons engaged in, conspiring to engage in, or facilitating the illegal importation of cultural property; and

(3) ensure all personnel within CBP and ICE involved in interdicting and investigating the illegal importation of cultural property receive sufficient training in—

(A) relevant cultural property laws;

(B) the identification of cultural property from regions that are at greatest risk of looting and trafficking; and

(C) methods of interdiction and investigative techniques specifically related to illegal trade in cultural property.

SEC. 5. ROLE OF THE SMITHSONIAN INSTITUTION.

The Secretary of Homeland Security shall ensure that the heads of all components of the Department of Homeland Security involved in cultural property protection activities are authorized to enter into agreements or memoranda of understanding with the Smithsonian Institution to temporarily engage personnel from the Smithsonian Institution for the purposes of furthering such cultural property protection activities.

SEC. 6. REPORT.

Not later than one year after the date of the enactment of this Act and three years thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(1) the progress of the implementation of this Act; and

(2) the Department's other actions to enhance and unify its efforts to interdict, detain, seize, and investigate cultural property illegally imported into the United States, and investigate, disrupt, and dismantle smuggling and trafficking networks engaged in, conspiring to engage in, or facilitating the illegal importation of cultural property.

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