

114TH CONGRESS
2D SESSION

H. R. 2285

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2016

Received; read twice and referred to the Committee on Finance

AN ACT

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.

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 “Prevent Trafficking
3 in Cultural Property Act”.

4 **SEC. 2. DEFINITION.**

5 In this Act, the term “cultural property” includes
6 property covered under—

7 (1) Article 1 of the Hague Convention for the
8 Protection of Cultural Property in the Event of
9 Armed Conflict, adopted at the Hague on May 14,
10 1954 (Treaty 13 Doc. 106–1(A)); or

11 (2) Article 1 of the Convention on the Means
12 of Prohibiting and Preventing the Illicit Import, Ex-
13 port, and Transfer of Ownership of Cultural Prop-
14 erty, adopted by the United Nations Educational,
15 Scientific and Cultural Organization (“UNESCO”)
16 on November 14, 1970.

17 **SEC. 3. STATEMENT OF POLICY.**

18 It shall be the policy of the United States to—

19 (1) ensure the components of the Department
20 of Homeland Security enhance and unify efforts
21 to—

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

25 (B) disrupt and dismantle smuggling and
26 trafficking networks and transnational criminal

1 organizations engaged in, conspiring to engage
2 in, or facilitating illegal trade in cultural prop-
3 erty, including stolen antiquities used to finance
4 terrorism; and

5 (C) support Offices of United States Attor-
6 neys in prosecuting persons engaged in, con-
7 spiring to engage in, or facilitating illegal trade
8 in cultural property; and

9 (2) protect cultural property pursuant to its ob-
10 ligations under the 1954 Hague Convention for the
11 Protection of Cultural Property in the Event of
12 Armed Conflict, the 1970 UNESCO Convention on
13 the Means of Prohibiting and Preventing the Illicit
14 Import, Export, and Transfer of Ownership of Cul-
15 tural Property, and the Convention on Cultural
16 Property Implementation Act (19 U.S.C. 2601–
17 2613).

18 **SEC. 4. ACTIVITIES OF THE DEPARTMENT OF HOMELAND**
19 **SECURITY.**

20 The Commissioner of U.S. Customs and Border Pro-
21 tection and the Director of U.S. Immigration and Customs
22 Enforcement shall—

23 (1) designate a principal coordinator within
24 U.S. Customs and Border Protection and U.S. Im-
25 migration and Customs Enforcement, respectively, to

1 direct, manage, coordinate, and update their respec-
2 tive policies and procedures, as well as conduct
3 interagency communications, regarding illegally im-
4 ported cultural property;

5 (2) update existing directives, regulations, rules,
6 and memoranda of understanding of U.S. Customs
7 and Border Protection and U.S. Immigration and
8 Customs Enforcement, respectively, and, if nec-
9 essary, devise additional directives, regulations,
10 rules, and memoranda of understanding, relating to
11 policies and procedures on the illegal importation of
12 cultural property in order to—

13 (A) reflect changes in cultural property
14 law, including changes and updates to relevant
15 treaties, bilateral agreements, statutes, regula-
16 tions, and case law that occurred subsequent to
17 Customs Directive No. 5230–015, “Customs
18 Directive on Detention and Seizure of Cultural
19 Property”, dated April 18, 1991;

20 (B) emphasize investigating, and providing
21 support for investigations and prosecutions, of
22 persons engaged in, conspiring to engage in, or
23 facilitating the illegal importation of cultural
24 property, including smugglers, dealers, buyers,

1 money launderers, and any other appropriate
2 parties; and

3 (C) provide for communication and coordi-
4 nation between relevant U.S. Customs and Bor-
5 der Protection and U.S. Immigration and Cus-
6 toms Enforcement offices, respectively, in inves-
7 tigating and supporting prosecutions of persons
8 engaged in, conspiring to engage in, or facili-
9 tating the illegal importation of cultural prop-
10 erty; and

11 (3) ensure relevant personnel within U.S. Cus-
12 toms and Border Protection and U.S. Immigration
13 and Customs Enforcement, respectively, receive suf-
14 ficient training in—

15 (A) relevant cultural property laws;

16 (B) the identification of cultural property
17 that is at greatest risk of looting and traf-
18 ficking; and

19 (C) methods of interdiction and investiga-
20 tive techniques specifically related to illegal
21 trade in cultural property.

22 **SEC. 5. ROLE OF THE SMITHSONIAN INSTITUTION.**

23 The Secretary of Homeland Security shall ensure
24 that the heads of all components of the Department of
25 Homeland Security involved in cultural property protec-

1 tion activities are authorized to enter into agreements or
2 memoranda of understanding with the Smithsonian Insti-
3 tution to temporarily engage personnel from the Smithso-
4 nian Institution for the purposes of furthering such cul-
5 tural property protection activities.

6 **SEC. 6. REPORT.**

7 Not later than 1 year after the date of the enactment
8 of this Act and 3 years thereafter, the Commissioner of
9 U.S. Customs and Border Protection and the Commis-
10 sioner of U.S. Immigration and Customs Enforcement
11 shall jointly submit to the Committee on Ways and Means
12 and the Committee on Homeland Security of the House
13 of Representatives and the Committee on Finance and the
14 Committee on Homeland Security and Governmental Af-
15 fairs of the Senate a report on—

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

18 (2) other actions to enhance and unify efforts
19 to interdict, detain, seize, and investigate cultural
20 property illegally imported into the United States,
21 and investigate, disrupt, and dismantle smuggling
22 and trafficking networks engaged in, conspiring to

- 1 engage in, or facilitating the illegal importation of
- 2 cultural property.

Passed the House of Representatives September 22,
2016.

Attest:

KAREN L. HAAS,

Clerk.