

Union Calendar No. 593

114TH CONGRESS
2D SESSION

H. R. 2285

[Report No. 114–380, Parts I and II]

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

DECEMBER 15, 2016

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 19, 2016

Additional sponsors: Mr. LANGEVIN, Mr. SHERMAN, Mr. HIGGINS, Mr. ROYCE, Mr. KATKO, Mr. BARLETTA, Mrs. LOWEY, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SCHIFF, Mr. BARR, Ms. JACKSON LEE, Mr. CICILLINE, Mr. THOMPSON of Mississippi, Mr. PITTENGER, Mr. FITZPATRICK, Mr. MCGOVERN, and Mr. DAVID SCOTT of Georgia

SEPTEMBER 19, 2016

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in **boldface roman**]

SEPTEMBER 19, 2016

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 13, 2015]

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.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Prevent Trafficking in*
5 *Cultural Property Act”.*

6 **SEC. 2. DEFINITION.**

7 *In this Act, the term “cultural property” includes*
8 *property covered under—*

9 (1) *Article 1 of the Hague Convention for the*
10 *Protection of Cultural Property in the Event of*
11 *Armed Conflict, adopted at the Hague on May 14,*
12 *1954 (Treaty 13 Doc. 106–1(A)); or*

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

19 **SEC. 3. STATEMENT OF POLICY.**

20 *It shall be the policy of the United States to—*

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

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

(B) *disrupt and dismantle smuggling and trafficking networks and transnational criminal organizations 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 Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement shall—

(1) *designate a principal coordinator within U.S. Customs and Border Protection and U.S. Immi-*

1 *gration and Customs Enforcement, respectively, to di-*
2 *rect, manage, coordinate, and update their respective*
3 *policies and procedures, as well as conduct inter-*
4 *agency communications, regarding illegally imported*
5 *cultural property;*

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

14 *(A) reflect changes in cultural property law,*
15 *including changes and updates to relevant trea-*
16 *ties, bilateral agreements, statutes, regulations,*
17 *and case law that occurred subsequent to Cus-*
18 *toms Directive No. 5230–015, “Customs Direc-*
19 *tive on Detention and Seizure of Cultural Prop-*
20 *erty”, dated April 18, 1991;*

21 *(B) emphasize investigating, and providing*
22 *support for investigations and prosecutions, of*
23 *persons engaged in, conspiring to engage in, or*
24 *facilitating the illegal importation of cultural*
25 *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 suffi-*
14 *cient training in—*

15 *(A) relevant cultural property laws;*

16 *(B) the identification of cultural property*
17 *that is at greatest risk of looting and trafficking;*
18 *and*

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

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

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

1 *are authorized to enter into agreements or memoranda of*
2 *understanding with the Smithsonian Institution to tempo-*
3 *rarily engage personnel from the Smithsonian Institution*
4 *for the purposes of furthering such cultural property protec-*
5 *tion activities.*

6 **SEC. 6. REPORT.**

7 *Not later than one year after the date of the enactment*
8 *of this Act and three years thereafter, the Commissioner of*
9 *U.S. Customs and Border Protection and the Commissioner*
10 *of U.S. Immigration and Customs Enforcement shall joint-*
11 *ly submit to the Committee on Homeland Security and the*
12 *Committee on Ways and Means of the House of Representa-*
13 *tives and the Committee on Homeland Security and Gov-*
14 *ernmental Affairs and the Committee on Finance of the*
15 *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 to*
19 *interdict, detain, seize, and investigate cultural prop-*
20 *erty illegally imported into the United States, and in-*
21 *vestigate, disrupt, and dismantle smuggling and traf-*
22 *ficking networks engaged in, conspiring to engage in,*
23 *or facilitating the illegal importation of cultural*
24 *property.*

1 SECTION 1. SHORT TITLE.

2 **This Act may be cited as the “Prevent**
3 **Trafficking in Cultural Property Act”.**

4 SEC. 2. DEFINITION.

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

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

12 **(2) Article 1 of the Convention on the**
13 **Means of Prohibiting and Preventing the**
14 **Illicit Import, Export, and Transfer of**
15 **Ownership of Cultural Property, adopted**
16 **by the United Nations Educational, Sci-**
17 **entific and Cultural Organization**
18 **(“UNESCO”) on November 14, 1970.**

19 SEC. 3. STATEMENT OF POLICY.

20 **It shall be the policy of the United States**
21 **to—**

22 **(1) ensure the components of the De-**
23 **partment of Homeland Security enhance**
24 **and unify efforts to—**

1 (A) interdict, detain, seize, and in-
2 vestigate cultural property illegally
3 imported into the United States;

4 (B) disrupt and dismantle smug-
5 gling and trafficking networks and
6 transnational criminal organizations
7 engaged in, conspiring to engage in,
8 or facilitating illegal trade in cultural
9 property, including stolen antiquities
10 used to finance terrorism; and

11 (C) support Offices of United
12 States Attorneys in prosecuting per-
13 sons engaged in, conspiring to engage
14 in, or facilitating illegal trade in cul-
15 tural property; and

16 (2) protect cultural property pursu-
17 ant to its obligations under the 1954
18 Hague Convention for the Protection of
19 Cultural Property in the Event of Armed
20 Conflict, the 1970 UNESCO Convention
21 on the Means of Prohibiting and Pre-
22 venting the Illicit Import, Export, and
23 Transfer of Ownership of Cultural Prop-
24 erty, and the Convention on Cultural

1 **Property Implementation Act (19 U.S.C.**
2 **2601–2613).**

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

5 **The Commissioner of U.S. Customs and**
6 **Border Protection and the Director of U.S. Im-**
7 **migration and Customs Enforcement shall—**

8 **(1) designate a principal coordinator**
9 **within U.S. Customs and Border Protec-**
10 **tion and U.S. Immigration and Customs**
11 **Enforcement, respectively, to direct, man-**
12 **age, coordinate, and update their respec-**
13 **tive policies and procedures, as well as**
14 **conduct interagency communications, re-**
15 **garding illegally imported cultural prop-**
16 **erty;**

17 **(2) update existing directives, regula-**
18 **tions, rules, and memoranda of under-**
19 **standing of U.S. Customs and Border Pro-**
20 **tection and U.S. Immigration and Cus-**
21 **toms Enforcement, respectively, and, if**
22 **necessary, devise additional directives,**
23 **regulations, rules, and memoranda of un-**
24 **derstanding, relating to policies and pro-**

1 **cedures on the illegal importation of cul-**
2 **tural property in order to—**

3 **(A) reflect changes in cultural**
4 **property law, including changes and**
5 **updates to relevant treaties, bilateral**
6 **agreements, statutes, regulations, and**
7 **case law that occurred subsequent to**
8 **Customs Directive No. 5230–015, “Cus-**
9 **toms Directive on Detention and Sei-**
10 **zure of Cultural Property”, dated**
11 **April 18, 1991;**

12 **(B) emphasize investigating, and**
13 **providing support for investigations**
14 **and prosecutions, of persons engaged**
15 **in, conspiring to engage in, or facili-**
16 **tating the illegal importation of cul-**
17 **tural property, including smugglers,**
18 **dealers, buyers, money launderers,**
19 **and any other appropriate parties;**
20 **and**

21 **(C) provide for communication**
22 **and coordination between relevant**
23 **U.S. Customs and Border Protection**
24 **and U.S. Immigration and Customs**
25 **Enforcement offices, respectively, in**

1 **investigating and supporting prosecu-**
2 **tions of persons engaged in, con-**
3 **spiring to engage in, or facilitating**
4 **the illegal importation of cultural**
5 **property; and**

6 **(3) ensure relevant personnel within**
7 **U.S. Customs and Border Protection and**
8 **U.S. Immigration and Customs Enforce-**
9 **ment, respectively, receive sufficient**
10 **training in—**

11 **(A) relevant cultural property**
12 **laws;**

13 **(B) the identification of cultural**
14 **property that is at greatest risk of**
15 **looting and trafficking; and**

16 **(C) methods of interdiction and**
17 **investigative techniques specifically**
18 **related to illegal trade in cultural**
19 **property.**

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

21 **The Secretary of Homeland Security shall**
22 **ensure that the heads of all components of the**
23 **Department of Homeland Security involved in**
24 **cultural property protection activities are au-**
25 **thorized to enter into agreements or memo-**

1 randa of understanding with the Smithsonian
2 Institution to temporarily engage personnel
3 from the Smithsonian Institution for the pur-
4 poses of furthering such cultural property
5 protection activities.

6 SEC. 6. REPORT.

7 Not later than one year after the date of
8 the enactment of this Act and three years
9 thereafter, the Commissioner of U.S. Customs
10 and Border Protection and the Commissioner
11 of U.S. Immigration and Customs Enforce-
12 ment shall jointly submit to the Committee on
13 Ways and Means and the Committee on Home-
14 land Security of the House of Representatives
15 and the Committee on Finance and the Com-
16 mittee on Homeland Security and Govern-
17 mental Affairs of the Senate a report on—

18 (1) the progress of the implementa-
19 tion of this Act; and

20 (2) other actions to enhance and
21 unify efforts to interdict, detain, seize,
22 and investigate cultural property ille-
23 gally imported into the United States,
24 and investigate, disrupt, and dismantle
25 smuggling and trafficking networks en-

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2 **cilitating the illegal importation of cul-**
3 **tural property.**

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