

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2285

[Report No. 114-]

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.

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## 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

SEPTEMBER --, 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 *italie*]

[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;*

1           (B) disrupt and dismantle smuggling and  
2           trafficking networks and transnational criminal  
3           organizations engaged in, conspiring to engage  
4           in, or facilitating illegal trade in cultural prop-  
5           erty, including stolen antiquities used to finance  
6           terrorism; and

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

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

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

21          The Commissioner of U.S. Customs and Border Protec-  
22          tion and the Director of U.S. Immigration and Customs  
23          Enforcement shall—

24          (1) designate a principal coordinator within  
25          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 *tom 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           *tom 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 Ways and Means and the*  
12 *Committee on Homeland Security of the House of Rep-*  
13 *resentatives and the Committee on Finance and the Com-*  
14 *mittee on Homeland Security and Governmental Affairs of*  
15 *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 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.*