

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2285  
OFFERED BY MR. KEATING OF MASSACHUSETTS**

Strike all after the enacting clause and insert the following:

**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—

1           (1) ensure the components of the Department  
2 of Homeland Security enhance and unify efforts  
3 to—

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

7           (B) disrupt and dismantle smuggling and  
8 trafficking networks and transnational criminal  
9 organizations engaged in, conspiring to engage  
10 in, or facilitating illegal trade in cultural prop-  
11 erty, including stolen antiquities used to finance  
12 terrorism; and

13           (C) support Offices of United States Attor-  
14 neys in prosecuting persons engaged in, con-  
15 spiring to engage in, or facilitating illegal trade  
16 in cultural property; and

17           (2) protect cultural property pursuant to its ob-  
18 ligations under the 1954 Hague Convention for the  
19 Protection of Cultural Property in the Event of  
20 Armed Conflict, the 1970 UNESCO Convention on  
21 the Means of Prohibiting and Preventing the Illicit  
22 Import, Export, and Transfer of Ownership of Cul-  
23 tural Property, and the Convention on Cultural  
24 Property Implementation Act (19 U.S.C. 2601–  
25 2613).

1 **SEC. 4. ACTIVITIES OF THE DEPARTMENT OF HOMELAND**  
2 **SECURITY.**

3 The Commissioner of U.S. Customs and Border Pro-  
4 tection and the Director of U.S. Immigration and Customs  
5 Enforcement shall—

6 (1) designate a principal coordinator within  
7 U.S. Customs and Border Protection and U.S. Im-  
8 migration and Customs Enforcement, respectively, to  
9 direct, manage, coordinate, and update their respec-  
10 tive policies and procedures, as well as conduct  
11 interagency communications, regarding illegally im-  
12 ported cultural property;

13 (2) update existing directives, regulations, rules,  
14 and memoranda of understanding of U.S. Customs  
15 and Border Protection and U.S. Immigration and  
16 Customs Enforcement, respectively, and, if nec-  
17 essary, devise additional directives, regulations,  
18 rules, and memoranda of understanding, relating to  
19 policies and procedures on the illegal importation of  
20 cultural property in order to—

21 (A) reflect changes in cultural property  
22 law, including changes and updates to relevant  
23 treaties, bilateral agreements, statutes, regula-  
24 tions, and case law that occurred subsequent to  
25 Customs Directive No. 5230–015, “Customs

1 Directive on Detention and Seizure of Cultural  
2 Property”, dated April 18, 1991;

3 (B) emphasize investigating, and providing  
4 support for investigations and prosecutions, of  
5 persons engaged in, conspiring to engage in, or  
6 facilitating the illegal importation of cultural  
7 property, including smugglers, dealers, buyers,  
8 money launderers, and any other appropriate  
9 parties; and

10 (C) provide for communication and coordi-  
11 nation between relevant U.S. Customs and Bor-  
12 der Protection and U.S. Immigration and Cus-  
13 toms Enforcement offices, respectively, in inves-  
14 tigating and supporting prosecutions of persons  
15 engaged in, conspiring to engage in, or facili-  
16 tating the illegal importation of cultural prop-  
17 erty; and

18 (3) ensure relevant personnel within U.S. Cus-  
19 toms and Border Protection and U.S. Immigration  
20 and Customs Enforcement, respectively, receive suf-  
21 ficient training in—

22 (A) relevant cultural property laws;

23 (B) the identification of cultural property  
24 that is at greatest risk of looting and traf-  
25 ficking; and

1 (C) methods of interdiction and investiga-  
2 tive techniques specifically related to illegal  
3 trade in cultural property.

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

5 The Secretary of Homeland Security shall ensure  
6 that the heads of all components of the Department of  
7 Homeland Security involved in cultural property protec-  
8 tion activities are authorized to enter into agreements or  
9 memoranda of understanding with the Smithsonian Insti-  
10 tution to temporarily engage personnel from the Smithso-  
11 nian Institution for the purposes of furthering such cul-  
12 tural property protection activities.

13 **SEC. 6. REPORT.**

14 Not later than one year after the date of the enact-  
15 ment of this Act and three years thereafter, the Commis-  
16 sioner of U.S. Customs and Border Protection and the  
17 Commissioner of U.S. Immigration and Customs Enforce-  
18 ment shall jointly submit to the Committee on Homeland  
19 Security and the Committee on Ways and Means of the  
20 House of Representatives and the Committee on Home-  
21 land Security and Governmental Affairs and the Com-  
22 mittee on Finance of the Senate a report on—

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

1           (2) other actions to enhance and unify efforts  
2           to interdict, detain, seize, and investigate cultural  
3           property illegally imported into the United States,  
4           and investigate, disrupt, and dismantle smuggling  
5           and trafficking networks engaged in, conspiring to  
6           engage in, or facilitating the illegal importation of  
7           cultural property.

