

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

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
5 in Cultural Property Act”.

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “cultural property” includes
3 property covered under—

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

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

14 **SEC. 3. STATEMENT OF POLICY.**

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

16 (1) ensure the Department of Homeland Secu-
17 rity, specifically U.S. Customs and Border Protec-
18 tion (CBP) and U.S. Immigration and Customs En-
19 forcement (ICE), enhances and unifies its efforts
20 to—

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

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

1 property, including stolen antiquities used to fi-
2 nance terrorism; and

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

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

16 **SEC. 4. ACTIVITIES OF THE DEPARTMENT OF HOMELAND**
17 **SECURITY.**

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

21 (1) direct CBP and ICE to each designate a
22 principal coordinator or group of personnel to direct,
23 manage, coordinate, and update their respective poli-
24 cies and procedures, as well as conduct interagency

1 communications, regarding illegally imported cul-
2 tural property;

3 (2) direct CBP and ICE to each update existing
4 directives, regulations, rules, and memoranda of un-
5 derstanding, and, if necessary, devise additional di-
6 rectives, regulations, rules, and memoranda of un-
7 derstanding, relating to policies and procedures on
8 the illegal importation of cultural property in order
9 to—

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

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

24 (C) provide for communication, coordina-
25 tion, and unity of effort between relevant CBP

1 and ICE offices in investigating and supporting
2 prosecutions of persons engaged in, conspiring
3 to engage in, or facilitating the illegal importa-
4 tion of cultural property; and

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

9 (A) relevant cultural property laws;

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

13 (C) methods of interdiction and investiga-
14 tive techniques specifically related to illegal
15 trade in cultural property.

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

17 The Secretary of Homeland Security shall ensure
18 that the heads of all components of the Department of
19 Homeland Security involved in cultural property protec-
20 tion activities are authorized to enter into agreements or
21 memoranda of understanding with the Smithsonian Insti-
22 tution to temporarily engage personnel from the Smithso-
23 nian Institution for the purposes of furthering such cul-
24 tural property protection activities.

1 **SEC. 6. REPORT.**

2 Not later than one year after the date of the enact-
3 ment of this Act and three years thereafter, the Secretary
4 of Homeland Security shall submit to the Committee on
5 Homeland Security of the House of Representatives and
6 the Committee on Homeland Security and Governmental
7 Affairs of the Senate a report on—

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

10 (2) the Department's other actions to enhance
11 and unify its efforts to interdict, detain, seize, and
12 investigate cultural property illegally imported into
13 the United States, and investigate, disrupt, and dis-
14 mantle smuggling and trafficking networks engaged
15 in, conspiring to engage in, or facilitating the illegal
16 importation of cultural property.

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