

114TH CONGRESS
1ST SESSION

H. R. 1493

To protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2015

Mr. ENGEL (for himself, Mr. SMITH of New Jersey, Mr. ROYCE, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Armed Services, 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 protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, 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 “Protect and Preserve
5 International Cultural Property Act”.

6 **SEC. 2. DEFINITION.**

7 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on Foreign Affairs of
4 the House of Representatives and the Committee on
5 Foreign Relations of the Senate.

6 (2) CULTURAL PROPERTY.—The term “cultural
7 property” includes property covered under—

8 (A) the Hague Convention for the Protec-
9 tion of Cultural Property in the Event of
10 Armed Conflict, concluded at The Hague on
11 May 14, 1954 (Treaty Doc. 106–1(A));

12 (B) Article 1 of the Convention Concerning
13 the Protection of the World’s Cultural and Nat-
14 ural Heritage, adopted by UNESCO on Novem-
15 ber 23, 1972 (commonly referred to as the
16 “1972 Convention”); or

17 (C) Article 1 of the Convention on the
18 Means of Prohibiting and Preventing the Illicit
19 Import, Export, and Transfer of Ownership of
20 Cultural Property, adopted by UNESCO on
21 November 14, 1970 (commonly referred to as
22 the “1970 UNESCO Convention”).

23 **SEC. 3. FINDINGS AND STATEMENT OF POLICY.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Over the years, international cultural prop-
2 erty has been looted, trafficked, lost, damaged, or
3 destroyed due to political instability, armed conflict,
4 natural disasters, and other threats.

5 (2) During China's Cultural Revolution, many
6 antiques were destroyed, including a large portion of
7 old Beijing, and Chinese authorities are now at-
8 tempting to rebuild portions of China's lost architec-
9 tural heritage.

10 (3) In 1975, the Khmer Rouge, after seizing
11 power in Cambodia, systematically destroyed
12 mosques and nearly every Catholic church in the
13 country, along with many Buddhist temples, statues,
14 and Buddhist literature.

15 (4) In 2001, the Taliban destroyed the
16 Bamiyan Buddhas, ancient statues carved into a
17 cliffside in central Afghanistan, leading to worldwide
18 condemnation.

19 (5) After the fall of Saddam Hussein, thieves
20 looted the Iraq Museum in Baghdad, resulting in the
21 loss of approximately 15,000 items, including an-
22 cient amulets, sculptures, ivories, and cylinder seals.
23 Many of these items remain unrecovered.

24 (6) The 2004 Indian Ocean earthquake and
25 tsunami not only affected 11 countries, causing mas-

1 sive loss of life, but also damaged or destroyed li-
2 braries, archives, and World Heritage Sites such as
3 the Mahabalipuram in India, the Sun Temple of
4 Koranak on the Bay of Bengal, and the Old Town
5 of Galle and its fortifications in Sri Lanka.

6 (7) In Haiti, the 2010 earthquake destroyed
7 art, artifacts, and archives, and partially destroyed
8 the 17th century Haitian city of Jacmel.

9 (8) In Mali, the Al-Qaeda affiliated terrorist
10 group Ansar Dine destroyed tombs and shrines in
11 the ancient city of Timbuktu—a major center for
12 trade, scholarship, and Islam in the 15th and 16th
13 centuries—and threatened collections of ancient
14 manuscripts.

15 (9) In Egypt, recent political instability has led
16 to the ransacking of museums, resulting in the de-
17 struction of countless ancient artifacts that will for-
18 ever leave gaps in humanity’s record of the ancient
19 Egyptian civilization.

20 (10) In Syria, the ongoing civil war has resulted
21 in the shelling of medieval cities, damage to five
22 World Heritage Sites, and the looting of museums
23 containing artifacts that date back more than six
24 millennia and include some of the earliest examples
25 of writing.

1 (11) In Iraq and Syria, the militant group ISIL
2 has destroyed numerous cultural sites and artifacts,
3 such as the Tomb of Jonah in July 2014, in an ef-
4 fort to eradicate ethnic and religious minorities from
5 contested territories. Concurrently, cultural antiq-
6 uities that escape demolition are looted and traf-
7 ficked to help fund ISIL’s militant operations.

8 (12) On February 12, 2015, the United Na-
9 tions Security Council unanimously adopted resolu-
10 tion 2199 (2015), which “[r]eaffirms its decision in
11 paragraph 7 of resolution 1483 (2003) and decides
12 that all Member States shall take appropriate steps
13 to prevent the trade in Iraqi and Syrian cultural
14 property and other items of archaeological, histor-
15 ical, cultural, rare scientific, and religious impor-
16 tance illegally removed from Iraq since 6 August
17 1990 and from Syria since 15 March 2011, includ-
18 ing by prohibiting cross-border trade in such items,
19 thereby allowing for their eventual safe return to the
20 Iraqi and Syrian people.”.

21 (13) United Nations Security Council resolution
22 2199 (2015) also warns that ISIL and other extrem-
23 ist groups are trafficking cultural heritage items
24 from Iraq and Syria to fund their recruitment ef-
25 forts and carry out terrorist attacks.

1 (14) Cultural property represents an irreparable
2 loss of humanity’s common cultural heritage and is
3 therefore a loss for all Americans.

4 (15) Protecting international cultural property
5 is a vital part of United States cultural diplomacy,
6 showing the respect of the United States for other
7 cultures and the common heritage of humanity.

8 (16) The United States Armed Forces have
9 played important roles in preserving and protecting
10 cultural property. In 1943, President Franklin D.
11 Roosevelt established a commission to advise the
12 United States military on the protection of cultural
13 property. The commission formed teams of individ-
14 uals known as the “Monuments Men” who are cred-
15 ited with securing, cataloguing, and returning hun-
16 dreds of thousands of works of art stolen by the
17 Nazis during World War II.

18 (17) The Department of State, in response to
19 the Convention on Cultural Property Implementation
20 Act, noted that “the legislation is important to our
21 foreign relations, including our international cultural
22 relations. The expanding worldwide trade in objects
23 of archaeological and ethnological interest has led to
24 wholesale depredations in some countries, resulting
25 in the mutilation of ceremonial centers and archae-

1 ological complexes of ancient civilizations and the re-
2 moval of stone sculptures and reliefs.”. The Depart-
3 ment further noted that “[t]he United States con-
4 siders that on grounds of principle, good foreign re-
5 lations, and concern for the preservation of the cul-
6 tural heritage of mankind, it should render assist-
7 ance in these situations.”.

8 (18) The U.S. Committee of the Blue Shield
9 was founded in 2006 to support the implementation
10 of the 1954 Hague Convention for the Protection of
11 Cultural Property in the Event of Armed Conflict
12 and to coordinate with the United States military,
13 other branches of the United States Government,
14 and other cultural heritage nongovernmental organi-
15 zations in preserving international cultural property
16 threatened by political instability, armed conflict, or
17 natural or other disasters.

18 (b) STATEMENT OF POLICY.—It shall be the policy
19 of the United States to—

20 (1) protect and preserve international cultural
21 property at risk of looting, trafficking, and destruc-
22 tion due to political instability, armed conflict, or
23 natural or other disasters;

1 (2) protect international cultural property pur-
2 suant to its obligations under international treaties
3 to which the United States is a party;

4 (3) prevent, in accordance with existing laws,
5 importation of cultural property pillaged, looted, sto-
6 len, or trafficked at all times, including during polit-
7 ical instability, armed conflict, or natural or other
8 disasters; and

9 (4) ensure that existing laws and regulations,
10 including import restrictions imposed through the
11 Office of Foreign Asset Control (OFAC) of the De-
12 partment of the Treasury, are fully implemented to
13 prevent trafficking in stolen or looted cultural prop-
14 erty.

15 **SEC. 4. UNITED STATES COORDINATOR FOR INTER-**
16 **NATIONAL CULTURAL PROPERTY PROTEC-**
17 **TION.**

18 The Secretary of State shall designate a Department
19 of State employee at the Assistant Secretary level or above
20 to serve concurrently as the United States Coordinator for
21 International Cultural Property Protection. The Coordi-
22 nator shall—

23 (1) coordinate and promote efforts to protect
24 international cultural property, especially activities
25 that involve multiple Federal agencies;

1 (2) act as Chair of the Coordinating Committee
2 on International Cultural Property Protection estab-
3 lished under section 5;

4 (3) resolve interagency differences;

5 (4) develop strategies to reduce illegal trade
6 and trafficking in international cultural property in
7 the United States and abroad, including by reducing
8 consumer demand for such trade;

9 (5) support activities to assist countries that
10 are the principle sources of trafficked cultural prop-
11 erty to protect cultural heritage sites and to prevent
12 cultural property looting and theft;

13 (6) work with and consult domestic and inter-
14 national actors such as foreign governments, inter-
15 governmental organizations, nongovernmental orga-
16 nizations, museums, educational institutions, and re-
17 search institutions to protect international cultural
18 property; and

19 (7) submit to the appropriate congressional
20 committees the annual report required under section
21 6.

1 **SEC. 5. COORDINATING COMMITTEE ON INTERNATIONAL**
2 **CULTURAL PROPERTY PROTECTION.**

3 (a) ESTABLISHMENT.—There is established a Coordi-
4 nating Committee on International Cultural Property Pro-
5 tection (in this section referred to as the “Committee”).

6 (b) FUNCTIONS.—The full Committee shall meet not
7 less often than annually to coordinate and inform Federal
8 efforts to protect international cultural property and to
9 facilitate the work of the United States Coordinator for
10 International Cultural Property Protection designated
11 under section 4.

12 (c) MEMBERSHIP.—The Committee shall be com-
13 posed of the United States Coordinator for International
14 Cultural Property Protection, who shall act as Chair, and
15 representatives of the following:

16 (1) The Department of State.

17 (2) The Department of Defense.

18 (3) The Department of Homeland Security, in-
19 cluding U.S. Immigration and Customs Enforcement
20 and U.S. Customs and Border Protection.

21 (4) The Department of the Interior.

22 (5) The Department of Justice, including the
23 Federal Bureau of Investigation.

24 (6) The United States Agency for International
25 Development.

26 (7) The Smithsonian Institution.

1 (8) The U.S. Committee of the Blue Shield.

2 (9) Such other entities as the Chair determines
3 appropriate.

4 (d) SUBCOMMITTEES.—The Committee may include
5 such subcommittees and taskforces as the Chair deter-
6 mines appropriate. Such subcommittees or taskforces may
7 be comprised of a subset of the Committee members or
8 of such other members as the Chair determines appro-
9 priate. At the discretion of the Chair, the provisions of
10 the Federal Advisory Committee Act (5 U.S.C. App.) and
11 section 552b of title 5 of the United States Code (relating
12 to open meetings) shall not apply to activities of such sub-
13 committees or taskforces.

14 (e) CONSULTATION.—The Committee shall consult
15 with governmental and nongovernmental organizations,
16 including museums, educational institutions, and research
17 institutions on efforts to promote and protect inter-
18 national cultural property.

19 **SEC. 6. REPORTS ON ACTIVITIES TO PROTECT INTER-**
20 **NATIONAL CULTURAL PROPERTY.**

21 The Secretary of State, acting through the United
22 States Coordinator for International Cultural Property
23 Protection, and in consultation with the Administrator of
24 the United States Agency for International Development,
25 the Secretary of Defense, the Attorney General, and the

1 Secretary of Homeland Security, as appropriate, shall an-
2 nually submit to the appropriate congressional committees
3 a report that includes information on activities of—

4 (1) the United States Coordinator and the Co-
5 ordinating Committee on International Cultural
6 Property Protection to protect international cultural
7 property;

8 (2) the Department of State to protect inter-
9 national cultural property, including activities under-
10 taken pursuant to the Hague Convention for the
11 Protection of Cultural Property in the Event of
12 Armed Conflict, and other statutes, international
13 agreements, and policies, including—

14 (A) procedures the Department has insti-
15 tuted to protect international cultural property
16 at risk of destruction due to political instability,
17 armed conflict, or natural or other disasters;
18 and

19 (B) actions the Department has taken to
20 protect international cultural property in con-
21 flicts to which the United States is a party;

22 (3) the United States Agency for International
23 Development (USAID) to protect international cul-
24 tural property, including activities and coordination
25 with other Federal agencies, international organiza-

1 tions, and nongovernmental organizations regarding
2 the protection of international cultural property at
3 risk due to political unrest, armed conflict, natural
4 or other disasters, and USAID development pro-
5 grams;

6 (4) the Department of Defense to protect inter-
7 national cultural property, including activities under-
8 taken pursuant to the Hague Convention for the
9 Protection of Cultural Property in the Event of
10 Armed Conflict and other cultural property protec-
11 tion statutes and international agreements, includ-
12 ing—

13 (A) directives, policies, and regulations the
14 Department has instituted to protect inter-
15 national cultural property at risk of destruction
16 due to political instability, armed conflict, or
17 natural or other disasters; and

18 (B) actions the Department has taken to
19 avoid damage to cultural property through con-
20 struction activities abroad; and

21 (5) the Department of Homeland Security and
22 the Department of Justice, including the Federal
23 Bureau of Investigation, to protect both inter-
24 national cultural property abroad and international
25 cultural property located in, or attempted to be im-

1 ported into, the United States, including activities
2 undertaken pursuant to statutes and international
3 agreements, including—

4 (A) statutes and regulations the Depart-
5 ment has employed in criminal, civil, and civil
6 forfeiture actions to prevent and interdict traf-
7 ficking in stolen and smuggled cultural prop-
8 erty, including investigations into transnational
9 organized crime and smuggling networks; and

10 (B) actions the Department has taken in
11 order to ensure the consistent and effective ap-
12 plication of law in cases relating to both inter-
13 national cultural property abroad and inter-
14 national cultural property located in, or at-
15 tempted to be imported into, the United States.

16 **SEC. 7. AUTHORIZATION FOR FEDERAL AGENCIES TO EN-**
17 **GAGE IN INTERNATIONAL CULTURAL PROP-**
18 **ERTY PROTECTION ACTIVITIES WITH THE**
19 **SMITHSONIAN INSTITUTION.**

20 Notwithstanding any other provision of law, any
21 agency that is involved in international cultural property
22 protection activities is authorized to enter into agreements
23 or memoranda of understanding with the Smithsonian In-
24 stitution to temporarily engage personnel from the Smith-

1 sonian Institution for the purposes of furthering such
2 international cultural property protection activities.

3 **SEC. 8. EMERGENCY PROTECTION FOR SYRIAN CULTURAL**
4 **PROPERTY.**

5 (a) PRESIDENTIAL DETERMINATION.—Notwith-
6 standing subsection (b) of section 304 of the Convention
7 on Cultural Property Implementation Act (19 U.S.C.
8 2603) (relating to a Presidential determination that an
9 emergency condition applies with respect to any archae-
10 ological or ethnological material of any State Party to the
11 Convention), the President shall apply the import restric-
12 tions referred to in such section 304 with respect to any
13 archaeological or ethnological material of Syria, except
14 that subsection (c) of such section 304 shall not apply.
15 Such import restrictions shall take effect not later than
16 120 days after the date of the enactment of this Act.

17 (b) DEFINITIONS.—In this section—

18 (1) the term “archaeological or ethnological ma-
19 terial of Syria” means cultural property of Syria and
20 other items of archaeological, historical, cultural,
21 rare scientific, or religious importance unlawfully re-
22 moved from Syria on or after March 15, 2011; and

23 (2) the term “State Party” has the meaning
24 given such term in section 302 of the Convention on

1 Cultural Property Implementation Act (19 U.S.C.
2 2601).

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