

113TH CONGRESS
2D SESSION

H. R. 5703

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2014

Mr. ENGEL (for himself and Mr. SMITH of New Jersey) 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 of destruction 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”.

1 **SEC. 2. DEFINITION.**

2 In this Act:

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

8 (2) CULTURAL PROPERTY.—The term “cultural
9 property” has the meaning given in Article 1(a)–1(c)
10 of the Hague Convention for the Protection of Cul-
11 tural Property in the Event of Armed Conflict, con-
12 cluded at The Hague on May 14, 1954 (Treaty Doc.
13 106–1(A)).

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

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

16 (1) Protecting international cultural property is
17 a vital part of United States cultural diplomacy,
18 showing the respect of the United States for other
19 cultures and the common heritage of humanity.

20 (2) International cultural property has been
21 lost, damaged, or destroyed due to political insta-
22 bility, armed conflict, natural disasters, and other
23 threats.

24 (3) In Egypt, recent political instability has led
25 to the ransacking of its museums, resulting in the
26 destruction of countless ancient artifacts that will

1 forever leave gaps in humanity's record of the an-
2 cient Egyptian civilization.

3 (4) In Iraq, after the fall of Saddam Hussein,
4 thieves looted the Iraq Museum in Baghdad, result-
5 ing in the loss of approximately 15,000 items. These
6 included ancient amulets, sculptures, ivories, and
7 cylinder seals. Many of these items remain unre-
8 covered.

9 (5) In Syria, the ongoing civil war has resulted
10 in the shelling of medieval cities, damage to five
11 UNESCO World Heritage Sites, and the looting of
12 museums and archaeological sites. Archaeological
13 and historic sites and artifacts in Syria date back
14 more than six millennia and include some of the ear-
15 liest examples of writing.

16 (6) In Iraq and Syria, the militant group ISIS/
17 ISIL has destroyed cultural sites and artifacts, such
18 as the Tomb of Jonah in July 2014, in an effort to
19 eradicate ethnic and religious minorities from con-
20 tested territories. Concurrently, cultural antiquities
21 that escape demolition are looted and illicitly traf-
22 ficked to help fund ISIS/ISIL's militant operations.

23 (7) In Mali, the Al-Qaeda affiliated terrorist
24 group Ansar Dine destroyed tombs and shrines in
25 the ancient city of Timbuktu—a major center for

1 trade, scholarship, and Islam in the 15th and 16th
2 centuries—and threatened collections of ancient
3 manuscripts.

4 (8) In Afghanistan, the Taliban decreed that
5 the Bamiyan Buddhas, ancient statues carved into a
6 cliff side in central Afghanistan, were to be de-
7 stroyed. In 2001 the Taliban carried out their threat
8 and destroyed the statues, leading to worldwide con-
9 demnation.

10 (9) In Cambodia, following the Khmer Rouge’s
11 seizure of power in 1975 the Khmer Rouge system-
12 atically destroyed many of Cambodia’s Buddhist
13 temples, desecrated statues, and destroyed Buddhist
14 literature. The Khmer Rouge also destroyed
15 mosques and nearly every Catholic church existing in
16 the country.

17 (10) In China, during the Cultural Revolution
18 much of China’s antiques were destroyed, including
19 a large portion of old Beijing. Chinese authorities
20 are now attempting to rebuild portions of China’s
21 lost architectural heritage.

22 (11) In Haiti, the 2010 earthquake destroyed
23 art, artifacts, and archives important to the people
24 of Haiti, and partially destroyed the 17th century
25 Haitian city of Jacmel.

1 (12) The 2004 Indian Ocean earthquake and
2 tsunami not only affected eleven countries, causing
3 massive loss of life, but also damaged or destroyed
4 libraries, archives, and UNESCO World Heritage
5 Sites such as the Mahabalipuram in India, the Sun
6 Temple of Koranak on the Bay of Bengal, and the
7 Old Town of Galle and its Fortifications in Sri
8 Lanka.

9 (13) The destruction of these and other cultural
10 properties represents an irreparable loss of human-
11 ity's common cultural heritage and is therefore a
12 loss for all Americans.

13 (14) The United States Armed Forces have
14 played important roles in preserving and protecting
15 cultural property. On June 23, 1943, President
16 Franklin D. Roosevelt established the American
17 Commission for the Protection and Salvage of Artistic
18 and Historic Monuments in War Areas to provide
19 expert advice to the military on the protection of cultural
20 property. The Commission formed Monuments,
21 Fine Arts, and Archives (MFAA) teams which became
22 part of the Civil Affairs Division of Military
23 Government Section of the Allied armies. The individuals
24 serving in the MFAA were known as the
25 "Monuments Men" and have been credited with se-

1 curing, cataloguing, and returning hundreds of thou-
2 sands works of art stolen by the Nazis during World
3 War II.

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

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

16 (1) protect and preserve international cultural
17 property at risk of destruction due to political insta-
18 bility, armed conflict, or natural or other disasters;

19 (2) protect international cultural property pur-
20 suant to its obligations under the 1954 Hague Con-
21 vention for the Protection of Cultural Property in
22 the Event of Armed Conflict and customary inter-
23 national law in all conflicts to which the United
24 States is a party;

1 (3) prevent, in accordance with existing laws,
2 importation of cultural property pillaged, looted, or
3 stolen during political instability, armed conflict, or
4 natural or other disasters; and

5 (4) ensure that existing laws and regulations,
6 including import restrictions imposed through the
7 Office of Foreign Asset Control (OFAC) of the De-
8 partment of the Treasury, are fully implemented to
9 prevent the trafficking in stolen or looted cultural
10 property.

11 **SEC. 4. WHITE HOUSE COORDINATOR FOR INTERNATIONAL**
12 **CULTURAL PROPERTY PROTECTION.**

13 The President shall appoint a White House Coordi-
14 nator for International Cultural Property Protection. The
15 Coordinator shall—

16 (1) coordinate and promote efforts to address
17 international cultural property protection activities
18 that involve multiple Federal agencies, including dip-
19 lomatic activities, military activities, law enforcement
20 activities, import restrictions, and the work of the
21 Cultural Antiquities Task Force established pursu-
22 ant to the Consolidated Appropriations Act, 2004
23 (Public Law 108–199);

24 (2) submit to the appropriate congressional
25 committees an annual report on interagency efforts

1 to protect international cultural property based on
2 information required under section 5 of this Act;

3 (3) provide policy recommendations, if nec-
4 essary;

5 (4) resolve interagency differences in a timely,
6 efficient, and effective manner; and

7 (5) work and consult with domestic and inter-
8 national actors such as foreign governments, non-
9 governmental organizations, museums, educational
10 institutions, research institutions, and the U.S.
11 Committee of the Blue Shield on efforts to promote
12 and protect international cultural property.

13 **SEC. 5. INFORMATION ON ACTIVITIES TO PROTECT INTER-**
14 **NATIONAL CULTURAL PROPERTY.**

15 (a) INFORMATION ON ACTIVITIES OF THE DEPART-
16 MENT OF STATE TO PROTECT INTERNATIONAL CUL-
17 TURAL PROPERTY.—The Secretary of State shall submit
18 to the White House Coordinator for International Cultural
19 Property Protection information on efforts of the Depart-
20 ment of State to protect international cultural property,
21 including—

22 (1) activities undertaken pursuant to the Hague
23 Convention for the Protection of Cultural Property
24 in the Event of Armed Conflict, including—

1 (A) procedures the Department has insti-
2 tuted to protect international cultural property
3 at risk of destruction due to political instability,
4 armed conflict, or natural or other disasters;
5 and

6 (B) actions the Department has taken to
7 protect international cultural property in con-
8 flicts to which the United States is a party; and

9 (2) actions the Department has taken to protect
10 international cultural property pursuant to other
11 cultural property protection statutes, international
12 agreements, or policies.

13 (b) INFORMATION ON ACTIVITIES OF USAID TO
14 PROTECT INTERNATIONAL CULTURAL PROPERTY.—The
15 Administrator of the United States Agency for Inter-
16 national Development (USAID) shall submit to the White
17 House Coordinator for International Cultural Property
18 Protection information on efforts of USAID to protect
19 international cultural property, including activities and co-
20 ordination with other Federal agencies, international orga-
21 nizations, and nongovernmental organizations regarding
22 the protection of international cultural property at risk of
23 destruction due to political unrest, armed conflict, natural
24 or other disasters, and USAID development programs.

1 (c) INFORMATION ON ACTIVITIES OF THE DEPART-
2 MENT OF DEFENSE TO PROTECT INTERNATIONAL CUL-
3 TURAL PROPERTY.—The Secretary of Defense shall sub-
4 mit to the White House Coordinator for International Cul-
5 tural Property Protection information on efforts of the
6 Department of Defense to protect international cultural
7 property, including activities undertaken pursuant to the
8 Hague Convention for the Protection of Cultural Property
9 in the Event of Armed Conflict, other cultural protection
10 statutes, and international agreements, including—

11 (1) directives, policies, and regulations the De-
12 partment has instituted to protect international cul-
13 tural property at risk of destruction due to political
14 instability, armed conflict, or natural or other disas-
15 ters; and

16 (2) actions the Department has taken to protect
17 international cultural property, including actions to
18 avoid damage to cultural property through construc-
19 tion activities abroad.

20 (d) INFORMATION ON ACTIVITIES OF THE DEPART-
21 MENT OF JUSTICE TO PROTECT INTERNATIONAL CUL-
22 TURAL PROPERTY.—The Attorney General, in consulta-
23 tion with the Secretary of Homeland Security, shall sub-
24 mit to the White House Coordinator for International Cul-
25 tural Property Protection information on efforts of the

1 Department of Justice to protect both international cul-
2 tural property and international cultural property located
3 in, or attempted to be imported into, the United States,
4 including activities undertaken pursuant to statutes and
5 international agreements. Such information shall include
6 the—

7 (1) statutes and regulations the Department
8 has employed in criminal, civil, and civil forfeiture
9 actions to prevent and interdict trafficking in stolen
10 and smuggled cultural property, including investiga-
11 tions into transnational organized crime; and

12 (2) actions the Department has taken in order
13 to ensure the consistent and effective application of
14 law in cases relating to both international cultural
15 property and international cultural property located
16 in, or attempted to be imported into, the United
17 States.

18 **SEC. 6. AUTHORIZATION FOR FEDERAL AGENCIES TO EN-**
19 **GAGE IN INTERNATIONAL CULTURAL PROP-**
20 **ERTY PROTECTION ACTIVITIES WITH THE**
21 **SMITHSONIAN INSTITUTION.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law, the Department of State, the Department of
24 Defense, USAID, the Department of Homeland Security,
25 the Department of Justice, the Department of the Inte-

rior, the National Archives, the National Science Foundation, and any other agency that is involved in international cultural property protection activities are authorized to enter into agreements or memoranda of understanding with the Smithsonian Institution to temporarily engage personnel from the Smithsonian Institution for the purposes of furthering such international cultural property protection activities.

(b) SALARIES AND EXPENSES.—The Federal agencies or departments specified in subsection (a) are authorized to pay the salaries and expenses of personnel from the Smithsonian Institution to assist such agencies or departments in their international cultural property protection activities, including in support of military or diplomatic missions and law enforcement efforts.

SEC. 7. GRANTMAKING AUTHORIZATION FOR THE SECRETARY OF STATE FOR INTERNATIONAL CULTURAL PROPERTY PROTECTION ACTIVITIES.

The Secretary of State is authorized to make grants to private individuals or organizations for the purposes of international cultural property protection activities in areas at risk of destruction due to political instability, armed conflict, or natural or other disasters.

1 **SEC. 8. EMERGENCY PROTECTION FOR SYRIAN CULTURAL**
2 **PROPERTY.**

3 (a) PRESIDENTIAL DETERMINATION.—Notwith-
4 standing subsection (b) of section 304 of the Convention
5 on the Cultural Property Implementation Act (19 U.S.C.
6 2603) (relating to a Presidential determination that an
7 emergency condition applies with respect to any archae-
8 ological or ethnological material of any State Party to the
9 Convention), the President shall apply the import restric-
10 tions referred to in such section 304 with respect to any
11 archaeological or ethnological material of Syria as if Syria
12 were a State Party to such Convention, except that sub-
13 section (c) of such section 304 shall not apply. Such im-
14 port restrictions shall take effect not later than 60 days
15 after the date of the enactment of this Act.

16 (b) DEFINITIONS.—In this section—

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

22 (2) the term “State Party” has the meaning
23 given such term in section 302 of the Convention on
24 the Cultural Property Implementation Act (19
25 U.S.C. 2601).

