

114TH CONGRESS
2D SESSION

S. 3538

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 SENATE OF THE UNITED STATES

DECEMBER 9, 2016

Mr. CASEY (for himself and Mr. GRASSLEY) introduced the following bill;
which was read twice and referred to the Committee on Finance

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”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “cultural property” includes
8 property covered under—

1 (1) Article 1 of the Convention for the Protec-
2 tion of Cultural Property in the Event of Armed
3 Conflict, done at The Hague on May 14, 1954
4 (Treaty Doc. 106–1(A)) (commonly referred to as
5 the “Hague Convention”); or

6 (2) Article 1 of the Convention on the Means
7 of Prohibiting and Preventing the Illicit Import, Ex-
8 port, and Transfer of Ownership of Cultural Prop-
9 erty, done at Paris November 14, 1970.

10 **SEC. 3. STATEMENT OF POLICY.**

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

12 (1) ensure the components of the Department
13 of Homeland Security enhance and unify efforts
14 to—

15 (A) interdict, detain, seize, and investigate
16 cultural property illegally imported into the
17 United States;

18 (B) disrupt and dismantle smuggling and
19 trafficking networks and transnational criminal
20 organizations engaged in, conspiring to engage
21 in, or facilitating illegal trade in cultural prop-
22 erty, including stolen antiquities used to finance
23 terrorism; and

24 (C) support offices of United States Attor-
25 neys in prosecuting persons engaged in, con-

1 spiring to engage in, or facilitating illegal trade
2 in cultural property; and

3 (2) protect cultural property pursuant to its ob-
4 ligations under the Convention for the Protection of
5 Cultural Property in the Event of Armed Conflict,
6 the Convention on the Means of Prohibiting and
7 Preventing the Illicit Import, Export, and Transfer
8 of Ownership of Cultural Property, and the Conven-
9 tion on Cultural Property Implementation Act (19
10 U.S.C. 2601 et seq.).

11 **SEC. 4. ACTIVITIES OF THE DEPARTMENT OF HOMELAND**
12 **SECURITY.**

13 The Commissioner of U.S. Customs and Border Pro-
14 tection and the Director of U.S. Immigration and Customs
15 Enforcement shall—

16 (1) designate a principal coordinator within
17 U.S. Customs and Border Protection and U.S. Im-
18 migration and Customs Enforcement, respectively, to
19 direct, manage, coordinate, and update their respec-
20 tive policies and procedures, as well as conduct
21 interagency communications, regarding illegally im-
22 ported cultural property;

23 (2) update existing directives, regulations, rules,
24 and memoranda of understanding of U.S. Customs
25 and Border Protection and U.S. Immigration and

1 Customs Enforcement, respectively, and, if nec-
2 essary, devise additional directives, regulations,
3 rules, and memoranda of understanding, relating to
4 policies and procedures on the illegal importation of
5 cultural property in order to—

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

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

21 (C) provide for communication and coordi-
22 nation between relevant offices of U.S. Customs
23 and Border Protection and U.S. Immigration
24 and Customs Enforcement, respectively, in in-
25 vestigating and supporting prosecutions of per-

1 sons engaged in, conspiring to engage in, or fa-
2 cilitating the illegal importation of cultural
3 property; and

4 (3) ensure relevant personnel within U.S. Cus-
5 toms and Border Protection and U.S. Immigration
6 and Customs Enforcement, respectively, receive suf-
7 ficient training in—

8 (A) relevant cultural property laws;

9 (B) the identification of cultural property
10 that is at greatest risk of looting and traf-
11 ficking; and

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

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

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

1 **SEC. 6. REPORT.**

2 Not later than 1 year after the date of the enactment
3 of this Act and 3 years thereafter, the Commissioner of
4 U.S. Customs and Border Protection and the Commis-
5 sioner of U.S. Immigration and Customs Enforcement
6 shall jointly submit to the Committee on Ways and Means
7 and the Committee on Homeland Security of the House
8 of Representatives and the Committee on Finance and the
9 Committee on Homeland Security and Governmental Af-
10 fairs of the Senate a report on—

11 (1) the progress of the implementation of this
12 Act; and

13 (2) other actions to enhance and unify efforts
14 to interdict, detain, seize, and investigate cultural
15 property illegally imported into the United States,
16 and investigate, disrupt, and dismantle smuggling
17 and trafficking networks engaged in, conspiring to
18 engage in, or facilitating the illegal importation of
19 cultural property.

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