

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect and Preserve

5 International Cultural Property Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that the President should

8 establish an interagency coordinating committee to coordi-

9 nate and advance the efforts of the executive branch to

10 protect and preserve international cultural property at risk

1 from political instability, armed conflict, or natural or
2 other disasters. Such committee should—

3 (1) be chaired by a Department of State em-
4 ployee of Assistant Secretary rank or higher, concu-
5 rent with that employee's other duties;

6 (2) include representatives of the Smithsonian
7 Institution and Federal agencies with responsibility
8 for the preservation and protection of international
9 cultural property;

10 (3) consult with governmental and nongovern-
11 mental organizations, including the United States
12 Committee of the Blue Shield, museums, educational
13 institutions, and research institutions on efforts to
14 protect and preserve international cultural property;

15 (4) coordinate and advance core United States
16 interests in—

17 (A) protecting and preserving international
18 cultural property;

19 (B) preventing and disrupting looting and
20 illegal trade and trafficking in international cul-
21 tural property, particularly exchanges that pro-
22 vide revenue to terrorist and criminal organiza-
23 tions;

24 (C) protecting sites of cultural and archae-
25 ological significance; and

1 (D) providing for the lawful exchange of
2 international cultural property.

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

5 (a) IN GENERAL.—The President shall exercise the
6 authority of the President under section 304 of the Con-
7 vention on Cultural Property Implementation Act (19
8 U.S.C. 2603) to impose import restrictions set forth in
9 section 307 of that Act (19 U.S.C. 2606) with respect to
10 any archaeological or ethnological material of Syria—

11 (1) not later than 90 days after the date of the
12 enactment of this Act;

13 (2) without regard to whether Syria is a State
14 Party (as defined in section 302 of that Act (19
15 U.S.C. 2601)); and

16 (3) notwithstanding—

17 (A) the requirement of subsection (b) of
18 section 304 of that Act (19 U.S.C. 2603(b))
19 that an emergency condition (as defined in sub-
20 section (a) of that section) applies; and

21 (B) the limitations under subsection (c) of
22 that section.

23 (b) ANNUAL DETERMINATION REGARDING CERTIFI-
24 CATION.—

25 (1) DETERMINATION.—

1 (A) IN GENERAL.—The President shall,
2 not less often than annually, determine whether
3 at least 1 of the conditions specified in subpara-
4 graph (B) is met, and shall notify the appro-
5 priate congressional committees of such deter-
6 mination.

7 (B) CONDITIONS.—The conditions referred
8 to in subparagraph (A) are the following:

9 (i) The Government of Syria is in-
10 capable, at the time a determination under
11 such subparagraph is made, of fulfilling
12 the requirements to request an agreement
13 under section 303 of the Convention on
14 Cultural Property Implementation Act (19
15 U.S.C. 2602).

16 (ii) It would be against the United
17 States national interest to enter into such
18 an agreement.

19 (2) TERMINATION OF RESTRICTIONS.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the import restrictions re-
22 ferred to in subsection (a) shall terminate on
23 the date that is 5 years after the date on which
24 the President determines that neither of the

1 conditions specified in paragraph (1)(B) are
2 met.

3 (B) REQUEST FOR TERMINATION.—If
4 Syria requests to enter into an agreement with
5 the United States pursuant to section 303 of
6 the Convention on Cultural Property Implemen-
7 tation Act (19 U.S.C. 2602) on or after the
8 date on which the President determines that
9 neither of the conditions specified in paragraph
10 (1)(B) are met, the import restrictions referred
11 to in subsection (a) shall terminate on the ear-
12 lier of—

13 (i) the date that is 3 years after the
14 date on which Syria makes such a request;

15 or

16 (ii) the date on which the United
17 States and Syria enter into such an agree-
18 ment.

19 (c) WAIVER.—

20 (1) IN GENERAL.—The President may waive
21 the import restrictions referred to in subsection (a)
22 for specified archaeological and ethnological material
23 of Syria if the President certifies to the appropriate
24 congressional committees that the conditions de-
25 scribed in paragraph (2) are met.

1 (2) CONDITIONS.—The conditions referred to in
2 paragraph (1) are the following:

3 (A)(i) The owner or lawful custodian of the
4 specified archaeological or ethnological material
5 of Syria has requested that such material be
6 temporarily located in the United States for
7 protection purposes; or

8 (ii) if no owner or lawful custodian can
9 reasonably be identified, the President deter-
10 mines that, for purposes of protecting and pre-
11 serving such material, the material should be
12 temporarily located in the United States.

13 (B) Such material shall be returned to the
14 owner or lawful custodian when requested by
15 such owner or lawful custodian.

16 (C) There is no credible evidence that
17 granting a waiver under this subsection will
18 contribute to illegal trafficking in archaeological
19 or ethnological material of Syria or financing of
20 criminal or terrorist activities.

21 (3) ACTION.—If the President grants a waiver
22 under this subsection, the specified archaeological or
23 ethnological material of Syria that is the subject of
24 such waiver shall be placed in the temporary custody
25 of the United States Government or in the tem-

1 porary custody of a cultural or educational institu-
2 tion within the United States for the purpose of pro-
3 tection, restoration, conservation, study, or exhi-
4 bition, without profit.

5 (4) IMMUNITY FROM SEIZURE.—Any archae-
6 ological or ethnological material that enters the
7 United States pursuant to a waiver granted under
8 this section shall have immunity from seizure under
9 Public Law 89–259 (22 U.S.C. 2459). All provisions
10 of Public Law 89–259 shall apply to such material
11 as if immunity from seizure had been granted under
12 that Public Law.

13 (d) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Foreign Relations
18 and the Committee on Finance of the Senate;
19 and

20 (B) the Committee on Foreign Affairs and
21 the Committee on Ways and Means of the
22 House of Representatives.

23 (2) ARCHAEOLOGICAL OR ETHNOLOGICAL MA-
24 TERIAL OF SYRIA.—The term “archaeological or eth-
25 nological material of Syria” means cultural property

1 (as defined in section 302 of the Convention on Cul-
2 tural Property Implementation Act (19 U.S.C.
3 2601)) that is unlawfully removed from Syria on or
4 after March 15, 2011.

5 **SEC. 4. REPORT.**

6 Not later than 1 year after the date of the enactment
7 of this Act, and annually thereafter for the next 6 years,
8 the President shall submit to the appropriate congres-
9 sional committees a report on the efforts of the executive
10 branch, during the 12-month period preceding the submis-
11 sion of the report, to protect and preserve international
12 cultural property, including—

13 (1) whether an interagency coordinating com-
14 mittee as described in section 2 has been established
15 and, if such a committee has been established, a de-
16 scription of the activities undertaken by such com-
17 mittee, including a list of the entities participating
18 in such activities;

19 (2) a description of measures undertaken pur-
20 suant to relevant statutes, including—

21 (A) actions to implement and enforce sec-
22 tion 3 of this Act and section 3002 of the
23 Emergency Protection for Iraqi Cultural Antiq-
24 uities Act of 2004 (Public Law 108–429; 118
25 Stat. 2599), including measures to dismantle

1 international networks that traffic illegally in
2 cultural property;

3 (B) a description of any requests for a
4 waiver under section 3(c) of this Act and, for
5 each such request, whether a waiver was grant-
6 ed;

7 (C) a list of the statutes and regulations
8 employed in criminal, civil, and civil forfeiture
9 actions to prevent illegal trade and trafficking
10 in cultural property; and

11 (D) actions undertaken to ensure the con-
12 sistent and effective application of law in cases
13 relating to illegal trade and trafficking in cul-
14 tural property; and

15 (3) actions undertaken in fulfillment of inter-
16 national agreements on cultural property protection,
17 including the Convention for the Protection of Cul-
18 tural Property in the Event of Armed Conflict, done
19 at The Hague May 14, 1954.