

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. KEATING OF MASSACHUSETTS

Page 857, insert after line 6 the following:

1 **SEC. 1336. CULTURAL HERITAGE PROTECTION.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of the enactment of this Act, the Secretary of Defense
4 shall designate such employee as required by section
5 1279C of the National Defense Authorization Act for Fis-
6 cal Year 2018 (Pub. L. 115-91).

7 (b) REPORTING ON ACTIONS TO PROTECT CULTURAL
8 HERITAGE.—Notwithstanding any non-statutory require-
9 ment established by the Department of Defense or the De-
10 partment of State, the reporting requirements described
11 in section 4 of the Protect and Preserve International Cul-
12 tural Property Act (Pub. L. 114-151) are extended
13 through after the date of the enactment of this Act, and
14 annually thereafter for the next 6 years, and shall further
15 include a description of—

16 (1) actions undertaken by the Coordinator for
17 Cultural Heritage Protection appointed under sub-
18 section (a) pursuant to section 1279C of the Na-

1 tional Defense Authorization Act for Fiscal Year
2 2018; and

3 (2) actions undertaken in fulfillment of inter-
4 national agreements on cultural property protection,
5 including the Convention for the Protection of Cul-
6 tural Property in the Event of Armed Conflict, done
7 at The Hague, May 14, 1954, including the number,
8 status of commission, and readiness of any specialist
9 military cultural property protection personnel.

10 (c) REPORTING ON CULTURAL DESTRUCTION.—The
11 Secretary of State, to the extent practicable, shall include
12 as part of the annual human rights country report pre-
13 pared pursuant to section 549 of the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2347h)—

15 (1) particularly severe instances of cultural
16 property destruction, including the extent to which
17 such destruction is widespread and systematic, en-
18 gaged in or tolerated by the government of that
19 country, or directed at ethnic and religious minori-
20 ties or Indigenous peoples by the government of that
21 country; and

22 (2) trends toward improvement in the respect
23 and protection of the right to freely participate in
24 the cultural life of a community, enjoy the arts, and
25 share in scientific advancement and its benefits, in-

1 including the freedom of artistic, academic, and sci-
2 entific expression, and trends toward deterioration of
3 such right.

4 **SEC. 1337. IMPORT RESTRICTIONS.**

5 (a) **AUTHORIZING IMPOSITION OF RESTRICTIONS.—**

6 (1) **AUTHORITY.—**Subject to the succeeding
7 provisions of this section, the President may exercise
8 the authority of the President under section 304 of
9 the Convention on Cultural Property Implementation
10 Act (19 U.S.C. 2603) to impose import restrictions
11 set forth in section 307 of that Act (19 U.S.C.
12 2606) with respect to any cultural property (as de-
13 fined in section 302(6) of such Act (19 U.S.C.
14 2601(6))) of any country and without regard to
15 whether any such country is a State Party (as de-
16 fined in section 302(9) of such Act (19 U.S.C.
17 2601(9))).

18 (2) **NON-APPLICABILITY OF CERTAIN REQUIRE-**
19 **MENTS.—**The President may impose import restric-
20 tions pursuant to this subsection notwithstanding—

21 (A) the requirement of subsection (b) of
22 section 304 of the Convention on Cultural
23 Property Implementation Act (19 U.S.C.
24 2603(b)) that an emergency condition (as de-

1 fined in subsection (a) of that section) applies;

2 and

3 (B) the limitations under subsection (c) of

4 that section.

5 (b) CONDITIONS FOR IMPOSITION OF RESTRIC-
6 TIONS.—

7 (1) IN GENERAL.—The President may impose
8 import restrictions pursuant to subsection (a) with
9 respect to a country if the President—

10 (A) makes a determination that at least
11 one of the conditions described in paragraph (2)
12 applies; and

13 (B) notifies the appropriate congressional
14 committees of the determination.

15 (2) CONDITIONS DESCRIBED.—The conditions
16 described in this paragraph with respect to a coun-
17 try are the following:

18 (A) The government of the country is ex-
19 periencing, at the time the determination is
20 made, malign influence or activities, including
21 occupation of its sovereign territory, in whole or
22 part, by the Russian Federation or its proxies,
23 such as Russian-funded private military con-
24 tractors and other entities directly or indirectly

1 politically associated with the Russian Federa-
2 tion.

3 (B) The government of the country cannot
4 practicably, at the time the determination is
5 made, become a State Party (as defined in sec-
6 tion 302(9) of the Convention on Cultural
7 Property Implementation Act (19 U.S.C.
8 2601(9)).

9 (C) The government of the country cannot
10 practicably, at the time the determination is
11 made, request an agreement under section 303
12 of the Convention on Cultural Property Imple-
13 mentation Act (19 U.S.C. 2602), including the
14 requirements under subsection (a)(3) of such
15 section.

16 (D) Either entering into an agreement re-
17 ferred to in subparagraph (C) with the country
18 would be against the United States national in-
19 terest, or imposing import restrictions on the
20 country under this section would advance
21 United States national interests.

22 (c) LENGTH OF PERIOD OF RESTRICTION.—

23 (1) TERMINATION AFTER 5 YEARS.—Except as
24 provided in paragraph (2), the import restrictions
25 imposed on a country under this section shall termi-

1 nate on the date that is 5 years after the date on
2 which the President determines that none of the
3 conditions specified in subsection (b)(2) apply with
4 respect to the country.

5 (2) EFFECT OF SUBSEQUENT AGREEMENTS.—

6 If a country subject to import restrictions under this
7 section requests to enter into an agreement with the
8 United States pursuant to section 303 of the Con-
9 vention on Cultural Property Implementation Act
10 (19 U.S.C. 2602) on or after the date on which the
11 President determines that none of the conditions
12 specified in subsection (b)(2) apply with respect to
13 the country, such import restrictions shall terminate
14 on the earlier of—

15 (A) the date that is 3 years after the date
16 on which such country makes such a request; or

17 (B) the date on which the United States
18 and such country enter into such an agreement.

19 (3) CONTINUATION OF RESTRICTION.—The im-
20 port restriction imposed on a country under this sec-
21 tion may continue to apply in whole or in part, if be-
22 fore their expiration there has entered into force
23 with respect to the cultural property an agreement
24 under section 303 of the Convention on Cultural
25 Property Implementation Act (19 U.S.C. 2602) or

1 an agreement to which the Senate has given its ad-
2 vice and consent to ratification. Such import restric-
3 tions may continue to apply for the duration of the
4 agreement.

5 (d) WAIVER OF RESTRICTIONS.—

6 (1) AUTHORITY TO WAIVE RESTRICTIONS.—The
7 President may grant a waiver of the import restric-
8 tions for cultural property imposed with respect to
9 a country pursuant to subsection (a) if the President
10 certifies to the appropriate congressional committees
11 that each of the following conditions are met:

12 (A) One of the following conditions applies:

13 (i) The owner or lawful custodian of
14 the cultural property referred to in sub-
15 section (a) has requested that such prop-
16 erty be temporarily located in the United
17 States for protection purposes, but only if
18 the owner or lawful custodian making this
19 request meets the burden of proving its
20 right of ownership or possession of the
21 property through the presentation of docu-
22 mentation and a declaration under oath
23 certifying to ownership or lawful posses-
24 sion.

1 (ii) No owner or lawful custodian of
2 such cultural property can reasonably be
3 identified, or if an owner or lawful custo-
4 dian can reasonably be identified but can-
5 not practicably make a request under
6 clause (i), the President determines that,
7 for purposes of protecting and preserving
8 such cultural property, such cultural prop-
9 erty should be temporarily located in the
10 United States.

11 (B) Such cultural property shall be re-
12 turned to the owner or lawful custodian when
13 requested by such owner or lawful custodian.

14 (C) There is no credible evidence that
15 granting a waiver under this subsection will
16 contribute to illegal trafficking in cultural prop-
17 erty or financing of criminal or terrorist activi-
18 ties.

19 (D) The owner or lawful custodian may re-
20 quest immunity from seizure under Public Law
21 89-259 (22 U.S.C. 2459, as amended), regard-
22 less of whether the cultural property has en-
23 tered the United States or is in the custody of
24 the United States Government at the time of
25 the request.

1 (2) TREATMENT OF PROPERTY SUBJECT TO
2 WAIVER.—If the President grants a waiver under
3 paragraph (1), the cultural property that is the sub-
4 ject of such waiver shall be placed in the temporary
5 custody of—

6 (A) the United States Government; or

7 (B) a cultural, scientific, religious, or edu-
8 cational nonprofit institution within the United
9 States for the purpose of protection and any
10 necessary conservation, subject to the provisions
11 of section 309 of the Convention on Cultural
12 Property Implementation Act (19 U.S.C. 2608),
13 but only if such institution shall provide access
14 to such cultural property, subject to reasonable
15 time, place, and manner restrictions, to reli-
16 gious and ethnic diaspora communities and In-
17 digenous peoples in the United States that have
18 a cultural affiliation with such property.

19 (3) REGULATIONS.—The President shall issue
20 regulations that establish—

21 (A) the procedures by which a waiver may
22 be requested under this subsection and by
23 which a determination may be made as to
24 whether a waiver will be granted; and

1 (B) the procedures by which an owner or
2 lawful custodian of cultural property which is
3 described in subsection (a) may request immu-
4 nity from seizure for property for which a waiv-
5 er has been granted.

6 (e) INDEMNIFICATION.—The National Endowment
7 for the Arts may make an indemnity agreement under the
8 Arts and Artifacts Indemnity Act (Pub. L. 94-158) with
9 respect to—

10 (1) such objects as are imported under this sec-
11 tion;

12 (2) such objects as are imported, or are already
13 imported, under section 3(c) of the Protect and Pre-
14 serve International Cultural Property Act of 2016
15 (Pub. L. 114-151, 130 Stat. 369); and

16 (3) such objects as are imported, or are already
17 imported, under section 1216(b) of the William M.
18 (Mae) Thornberry National Defense Authorization
19 Act for Fiscal Year 2021 (Pub. L. 116-283).

20 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means the Committee on Foreign Af-
23 fairs and the Committee on Ways and Means of the House

1 of Representatives and the Committee on Foreign Rela-
2 tions and the Committee on Finance of the Senate.

