

114TH CONGRESS
2D SESSION

S. 3449

To require the Secretary of Homeland Security to develop a program for labeling cultural property of Iraq or Syria legally entering the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2016

Mr. KIRK (for himself, Mr. TILLIS, Mr. CASSIDY, Mr. SESSIONS, Ms. AYOTTE, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the Secretary of Homeland Security to develop a program for labeling cultural property of Iraq or Syria legally entering the United States.

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 “Terrorism Art and An-
5 tiquity Revenue Prevention Act of 2016” or the “TAAR
6 Act”.

7 **SEC. 2. STOLEN CULTURAL PROPERTY.**

8 Chapter 113 of title 18, United States Code, is
9 amended—

1 (1) in section 2314—

2 (A) in the first undesignated paragraph, by
3 inserting “, or cultural property of the value of
4 \$50 or more” after “\$5,000 or more”;

5 (B) in the second undesignated paragraph,
6 by inserting “, or cultural property of the value
7 of \$50 or more” after “\$5,000 or more”;

8 (C) in the ninth undesignated paragraph—

9 (i) by striking “section the term” and
10 inserting the following: “section—

11 “(A) the term ‘cultural property’ has the mean-
12 ing given that term in section 302 of the Convention
13 on Cultural Property Implementation Act (19 U.S.C.
14 2601); and

15 “(B) the term”; and

16 (D) by adding at the end the following:

17 “For purposes of an offense under this section, cul-
18 tural property that has been removed or excavated in vio-
19 lation of local law shall be considered to be stolen.”; and

20 (2) in section 2315—

21 (A) in the first undesignated paragraph, by
22 inserting “, or cultural property of the value of
23 \$50 or more” after “\$500 or more”;

24 (B) by striking the seventh undesignated
25 paragraph and inserting the following:

1 “For purposes of this section—

2 “(A) the term ‘cultural property’ has the mean-
3 ing given that term in section 302 of the Convention
4 on Cultural Property Implementation Act (19 U.S.C.
5 2601);

6 “(B) the term ‘State’ includes a State of the
7 United States, the District of Columbia, and any
8 commonwealth, territory, or possession of the United
9 States; and

10 “(C) the term ‘veterans’ memorial object’
11 means a grave marker, headstone, monument, or
12 other object, intended to permanently honor a vet-
13 eran or mark a veteran’s grave, or any monument
14 that signifies an event of national military historical
15 significance.”; and

16 (C) by adding at the end the following:

17 “For purposes of an offense under this section, cul-
18 tural property that has been removed or excavated in vio-
19 lation of local law shall be considered to be stolen.”.

20 **SEC. 3. INVENTORY DATABASE SYSTEM FOR CULTURAL**
21 **PROPERTY OF IRAQ OR SYRIA LEGALLY EN-**
22 **TERING THE UNITED STATES.**

23 (a) WORKING GROUP.—

24 (1) IN GENERAL.—The Secretary of Commerce,
25 working through the Under Secretary for Standards

1 and Technology and in consultation with the heads
2 of the agencies specified in paragraph (2) and ex-
3 perts with respect to cultural property from aca-
4 demia, industry, and nongovernmental organizations,
5 shall establish a scientific working group—

6 (A) to identify the data elements necessary
7 to accurately characterize and identify cultural
8 property of Iraq or Syria legally entering the
9 United States, for the purpose of establishing
10 an inventory database system for such cultural
11 property; and

12 (B) to evaluate options for cost-effective,
13 physical or virtual labeling of such cultural
14 property.

15 (2) AGENCIES SPECIFIED.—The agencies speci-
16 fied in this paragraph are the following:

17 (A) The Department of Justice.

18 (B) The Department of the Treasury.

19 (C) The Department of Homeland Secu-
20 rity.

21 (D) Such other Federal agencies as the
22 Secretary of Commerce considers appropriate.

23 (b) ESTABLISHMENT OF INVENTORY DATABASE SYS-
24 TEM.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security, in consultation with the heads of the agen-
3 cies specified in paragraph (2) and experts with re-
4 spect to cultural property from academia, industry,
5 and nongovernmental organizations, shall develop
6 and implement the inventory database system de-
7 scribed in subsection (a)(1)(A).

8 (2) AGENCIES SPECIFIED.—The agencies speci-
9 fied in this paragraph are the following:

10 (A) The Department of Justice.

11 (B) The Department of the Treasury.

12 (C) The Department of Commerce, work-
13 ing through the Under Secretary for Standards
14 and Technology.

15 (D) Such other Federal agencies as the
16 Secretary of Commerce considers appropriate.

17 (3) REQUIREMENTS.—The inventory database
18 system established under paragraph (1) shall require
19 that any person that seeks to import cultural prop-
20 erty of Syria or Iraq into the United States, or to
21 sell such property or provide such property as a gift
22 in the United States, provide to the Secretary of
23 Homeland Security information, with supporting
24 documentation, on the provenance of the property
25 that includes, at a minimum, when and where the

1 property was obtained and such other information as
2 the Secretary of Commerce and the Secretary of
3 Homeland Security consider appropriate.

4 (c) DOCUMENTING CULTURAL PROPERTY TRANS-
5 ACTIONS.—The Secretary of Homeland Security, in con-
6 sultation with the heads of the agencies specified in sub-
7 section (b)(2), shall—

8 (1) develop regulations to require dealers of cul-
9 tural property to document and report information
10 on transactions in cultural property of Iraq or Syria,
11 such as the chain of custody;

12 (2) work with participants in international art
13 and cultural property markets to develop a Federal
14 Government database with information on cultural
15 property that includes—

16 (A) information on provenance and prior
17 ownership; and

18 (B) warnings for specific cultural property,
19 buyers, sellers, appraisers, or other actors with
20 a history of conducting illegal trade in cultural
21 property; and

22 (3) consider providing participants in inter-
23 national art and cultural property markets with ac-
24 cess to the database developed under paragraph (2).

1 (d) CULTURAL PROPERTY DEFINED.—In this sec-
2 tion, the term “cultural property” has the meaning given
3 that term in section 302 of the Convention on Cultural
4 Property Implementation Act (19 U.S.C. 2601).

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