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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO

John

Take necessary action ☐

Approval or signature ☐

Comment ☐

Prepare reply ☐

Discuss with me ☐

For your information ☐

See remarks below ☐

FROM

John Corney

DATE

REMARKS

*I'm giving the agencies
until November 15 to respond.*

OMB FORM 4

Rev Aug 70

THE SECRETARY OF STATE
WASHINGTON

November 4, 1985

Dear Mr. Miller:

On January 12, 1983, the President signed into law the Convention on Cultural Property Implementation Act (Title III, P.L. 97-446, the "Act"), enabling the United States to implement the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The Act assigns a number of responsibilities to the President which to date have not been the subject of any delegation of authority because of a difference of opinion between us as to which agency should exercise lead responsibility for the negotiation of international agreements pursuant to the Act. We are now asking that the President resolve this issue by signing one of the two draft Executive Orders attached.

The two drafts are essentially identical except for the delegation of negotiating authority. Each would vest in the Director of the USIA the bulk of Presidential functions under the Act, for example, determining whether a request from another State Party meets the requirements of the Act for initiating negotiations toward an agreement which would impose import controls on cultural property coming from that country. Each would also vest in the Secretary of the Treasury certain functions related to the application and suspension of import restrictions. The Executive Order put forward by the State Department (Tab A) would give the Secretary of State the authority to negotiate and conclude, in consultation with the Director of USIA and the Secretary of the Treasury, international agreements authorized under the Act. The Executive Order put forward by USIA (Tab B) would vest that same

The Honorable
James C. Miller III, Director,
Office of Management and Budget.

authority, subject to reciprocal consultation, in the Director of USIA. The Department of State has offered a Memorandum of Understanding assuring USIA of full participation in all phases of negotiations. USIA has indicated it will have no problem cooperating with State.

Secretary Shultz believes it is essential that the authority to negotiate agreements with foreign governments pursuant to the Act be delegated to the Secretary of State for the following reasons:

-- The fragmentation of negotiating authority unnecessarily confuses foreign governments regarding the Secretary of State's responsibility for the conduct of foreign affairs and undercuts the credibility of our Ambassadors abroad.

-- Agreements under the Act will address situations of pillage of archaeological or ethnological materials -- that is, serious threats to the preservation of the national patrimony of another country. Such circumstances can be expected to arouse intense nationalistic feelings and create difficult bilateral problems for the United States. The phenomenon is readily illustrated by the high-level attention given the recovery of individual pre-Columbian pieces by numerous Latin American governments in the last few years. Our management of these sensitive issues is integral to the overall conduct of bilateral relations.

-- Recovery agreements are not mere "cultural" agreements but rather law enforcement cooperation agreements and vehicles for engendering good will, exceeding their cultural content.

-- In contrast to existing recovery agreements, the agreements authorized by the Act will provide an important new law enforcement remedy (import restrictions) in the recovery of cultural property illegally removed from another country. A substantial benefit of that nature -- which can also impinge on relations with third countries -- should be conferred only with due regard for our overall relationship with that country, which it is the responsibility of the Department of State to assess and manage.

-- Department officials have played the dominant role in the negotiation of the Convention and for more than 15 years in cultural property recovery activities.

-- Under the Executive Order proposed by the Department, the Director of USIA would determine in the first instance whether statutory conditions are met for the negotiation of an agreement under the Act. Only the actual conduct of negotiations with a foreign government toward a statutorily authorized objective -- import restrictions -- would be delegated to the Secretary of State. Such a division of functions recognizes in the Director of USIA the important substantive responsibilities of making determinations concerning the cultural property situation in a particular country while preserving the Secretary of State's role as the President's principal representative in the conduct of foreign affairs for negotiating import restrictions with foreign governments.

Director Wick on the other hand believes that it is necessary that the authority to negotiate agreements with foreign governments should be delegated to the Director of the United States Information Agency for the following reasons:

-- The Director of the Agency has been delegated negotiating powers to conclude international agreements for educational and cultural exchanges under the Fulbright-Hays Act as well as for other purposes thereunder, and to conclude international agreements either for the Voice of America or for other informational activities under the Smith-Mundt Act. This negotiating authority vested in him under section 6 of Reorganization Plan No. 2 of 1977 together with the language of Executive Order 12048 underscores the position of the Director as the principal executive agent of the United States for international informational, educational and cultural matters under these statutes and for exercising government-wide policy guidance on these matters. The Agency has negotiated many agreements with foreign governments since its reorganization in 1978 when this function was transferred from the Secretary of State to the Director. During the negotiations, the Director receives foreign policy guidance from the Secretary.

-- This Agency maintains international contacts through its officers stationed overseas with ministries, museums and other institutions whose work involves cultural property. Similarly this Agency maintains strong ties with institutions in the cultural field within the United States. Thus the Agency already has in place its network of experienced foreign service officers in cultural matters both at headquarters and overseas in one hundred and twenty-seven countries.

-- The Agency exercises statutory functions related to cultural property visiting the United States. Pursuant to the provisions of the immunity from seizure statute of 1965 (Public Law 89-259), the Agency's determination vests a foreign exhibition with immunity from judicial seizure while on exhibit within the United States. Objects or exhibits so immunized are exempt from coverage under the Convention on Cultural Property Implementation Act.

-- The Agency also makes determinations of national interest under the Federal Arts and Artifacts Indemnity Act which provides indemnification for foreign exhibits coming to this country.

-- The Cultural Property Implementation Act already vests in the Director the responsibility of providing technical support to the Cultural Property Advisory Committee and of consulting with the Secretary of the Treasury on the designation of archaeological and ethnological materials under the Act.

-- We estimate that since 1978 the Agency has expended more than 16,000 staff hours on activities related to passage or implementation of the Act. Of this total some 10,000 hours have been spent since passage of the Act in December 1982 in providing support to the Advisory Committee and to the Director in matters relating to implementation of the Act.

-- The protection of cultural patrimony and the return of stolen artifacts, while they have an incidental law enforcement aspect, are essentially matters affecting the cultural relations between nations. The Agency's primary focus on international cultural relations insures that these matters will not be lost among the overall bilateral concerns between the United States and another government. The incidental law enforcement matters can be as easily handled by USIA in consultation with the Treasury Department as by the State Department.

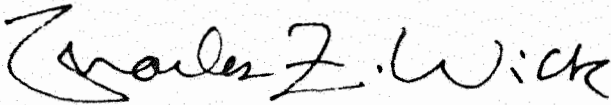
-- The actual responsibilities of this Agency as the principal international agent of this Government for cultural matters as described above, together with its existing negotiating authorities, suggest that its Director should be the natural recipient of the President's delegation.

RECOMMENDATION:

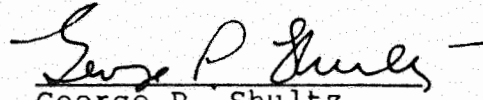
That you refer to the President the question of whether the Secretary of State or the Director of USIA should receive the

delegation of authority to negotiate and conclude cultural property recovery agreements with the request that he sign the executive order which reflects his decision.

Sincerely,



Charles Z. Wick
Director
U.S. Information Agency



George P. Shultz

Enclosures:

Tab A - Executive Order (State Department)

Tab B - Executive Order (USIA)

TAB A

EXECUTIVE ORDER No.

PROTECTION OF CULTURAL PROPERTY

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Convention on Cultural Property Implementation Act (Title III of P.L. 97-446; hereinafter referred to as the "Act"), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. DEPARTMENT OF STATE. The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State, acting in consultation with the Director of the United States Information Agency and the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(2) relating to the negotiation and conclusion of bilateral or multilateral agreements under the Act, subject to the restrictions of section 303(c).

(b) The functions conferred by section 303(a)(4) relating to obtaining a commitment on the exchange of archaeological and ethnological materials from a party to an agreement.

(c) The functions conferred by section 303(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation on their agreement.

(d) The functions conferred by section 303(e) relating to the negotiation and conclusion of extensions of agreements under the Act.

(e) The functions conferred by section 303(g) relating to the notification of Presidential action and the furnishing of reports to the Congress.

(f) The functions conferred by section 304(c)(4) to the extent that they involve the negotiation and conclusion of agreements subject to advice and consent to ratification by the Senate.

Section 2. UNITED STATES INFORMATION AGENCY. The following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency, acting in consultation with the Secretary of State and the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(1) concerning determinations to be made prior to initiation of negotiations of bilateral or multilateral agreements.

(b) The functions conferred by section 303(f) relating to the actions to be taken upon receipt of a request made by a State Party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as the "Convention").

(c) The functions conferred by section 304(b) to the extent that they involve determinations by the President that an emergency condition applies with respect to any archaeological or ethnological material of any State Party to the Convention, subject to the limitations of sections 304(c)(1), 304(c)(2), and 304(c)(3).

(d) The function conferred by section 304(c)(3) to the extent that they involve determinations to be made and the receipt and consideration of an advisory report from the Cultural Property Advisory Committee by the President prior to extensions of import restrictions.

(e) The functions conferred by sections 306(f)(6) and 306(g) relating to the reception of reports prepared by the Cultural Property Advisory Committee.

(f) The functions conferred by section 306(h) relating to the determinations to be made about the disclosure of matters involved in the Cultural Property Advisory Committee's proceedings.

Section 3. DEPARTMENT OF THE TREASURY. (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Secretary of State and the Director of the United States Information Agency:

(1) Subject to subsection (c) of Section 1 above, the functions conferred by section 303(d) to the extent that they involve the suspension of import restrictions.

(2) Subject to subsections (c) and (d) of Section 2 above, the functions conferred by section 304 to the extent that they involve the application of import restrictions set forth in section 307 and the extension of such import restrictions pursuant to section 304(c)(3).

(b) The functions conferred on the Secretary of the Treasury under section 305 relating to promulgation of import restrictions shall be exercised in consultation with the Secretary of State and the Director of the United States Information Agency.

Section 4. ENFORCEMENT IN TERRITORIES AND OTHER AREAS.
The functions conferred by section 314 relating to the enforcement of the provisions of the Act are hereby delegated to the following officials in the geographical areas under their jurisdiction:

1. The Governor of Guam
2. The Governor of American Samoa
3. The Governor of the Northern Mariana Islands
4. The High Commissioner of the Trust Territory of the Pacific Islands with respect to the Federated States of Micronesia, the Marshall Islands and Palau. The functions delegated to the High Commissioner may be redelegated to any

officer of the governments of the Federated States of
Micronesia, the Marshall Islands and Palau with further power
of redelegation.

Ronald Reagan

The White House,

_____, 1985

EXECUTIVE ORDER No.

PROTECTION OF CULTURAL PROPERTY

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Convention on Cultural Property Implementation Act (Title III of P.L. 97-446; hereinafter referred to as the "Act"), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. UNITED STATES INFORMATION AGENCY. The following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency, acting in consultation with the Secretary of State and the Secretary of the Treasury:

(a) The functions conferred by section 303(a)(1) concerning determinations to be made prior to initiation of negotiations of bilateral or multilateral agreements.

(b) The functions conferred by section 303(a)(2) relating to the negotiation and conclusion of bilateral or multilateral agreements under the Act, subject to the restrictions of section 303(c).

(c) The functions conferred by section 303(a)(4) relating to obtaining a commitment on the exchange of archaeological and ethnological materials from a party to an agreement.

(d) The functions conferred by section 303(d) with respect to the determinations concerning the failure of other parties

(1) Subject to subsection (c) of Section 1 above, the functions conferred by section 303(d) to the extent that they involve the suspension of import restrictions.

(2) Subject to subsections (c) and (d) of Section 2 above, the functions conferred by section 304 to the extent that they involve the application of import restrictions set forth in section 307 and the extension of such import restrictions pursuant to section 304(c)(3).

(b) The functions conferred on the Secretary of the Treasury under section 305 relating to promulgation of import restrictions shall be exercised in consultation with the Secretary of State and the Director of the United States Information Agency.

Section 4. ENFORCEMENT IN TERRITORIES AND OTHER AREAS.
The functions conferred by section 314 relating to the enforcement of the provisions of the Act are hereby delegated to the following officials in the geographical areas under their jurisdiction:

1. The Governor of Guam
2. The Governor of American Samoa
3. The Governor of the Northern Mariana Islands
4. The High Commissioner of the Trust Territory of the Pacific Islands with respect to the Federated States of Micronesia, the Marshall Islands and Palau. The functions delegated to the High Commissioner may be redelegated to any

to an agreement to take any or satisfactory implementation action on their agreement.

(e) The functions conferred by section 303(e) relating to the negotiation and conclusion of extensions of agreements under the Act.

(f) The functions conferred by section 303(f) relating to the actions to be taken upon receipt of a request made by a State Party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as the "Convention").

(g) The functions conferred by section 303(g) relating to the notification of Presidential action and the furnishing of reports to the Congress.

(h) The functions conferred by section 304(b) to the extent that they involve determinations by the President that an emergency condition applies with respect to any archaeological or ethnological material of any State Party to the Convention, subject to the limitations of sections 304(c)(1), 304(c)(2), and 304(c)(3).

(i) The function conferred by section 304(c)(3) to the extent that they involve determinations to be made and the receipt and consideration of an advisory report from the

Cultural Property Advisory Committee by the President prior to extensions of import restrictions.

(j) The functions conferred by section 304(c)(4) to the extent that they involve the negotiation and conclusion of agreements subject to advice and consent to ratification by the Senate.

(k) The functions conferred by sections 306(f)(6) and 306(g) relating to the reception of reports prepared by the Cultural Property Advisory Committee.

(l) The functions conferred by section 306(h) relating to the determinations to be made about the disclosure of matters involved in the Cultural Property Advisory Committee's proceedings.

Section 2. DEPARTMENT OF THE TREASURY. (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Secretary of State and the Director of the United States Information Agency:

(1) Subject to subsection (d) of Section 1 above, the functions conferred by section 303(d) to the extent that they involve the suspension of import restrictions.

(2) Subject to subsections (h) and (i) of Section 1 above, the functions conferred by section 304 to the extent that they involve the application of import restrictions set forth in section 307 and the extension of such import restrictions pursuant to section 304(c)(3).

(b) The functions conferred on the Secretary of the Treasury under section 305 relating to promulgation of import restrictions shall be exercised in consultation with the Secretary of State and the Director of the United States Information Agency.

Section 3. ENFORCEMENT IN TERRITORIES AND OTHER AREAS.
The functions conferred by section 314 relating to enforcement of the provisions of the Act are hereby delegated to the following officials in the geographical areas under their jurisdiction.

1. The Governor of Guam
2. The Governor of American Samoa
3. The Governor of the Northern Mariana Islands

4. The High Commissioner of the Trust Territory of the Pacific Islands with respect to the Federated States of Micronesia, the Marshall Islands and Palau. The functions delegated to the High Commissioner may be redelegated to any officer of the governments of the Federal States of Micronesia, the Marshall Islands and Palau with further power of redelegation.

Ronald Reagan

The White House,

_____, 1985

THE WHITE HOUSE

WASHINGTON

November 22, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: State and U.S.I.A. Decision Memorandum
Regarding Convention on Cultural Property

You will recall that U.S.I.A. recently received the first request, from Canada, for U.S. action under the Convention on Cultural Property. My memorandum for you of October 4 (Tab A) explains the background of this international agreement and the 1983 implementing legislation, codified at 19 U.S.C. §§ 2601-2612. As I noted in that memorandum, U.S.I.A. and State have been unable to agree on a delegation of the Presidential functions under the legislation. On October 4 you sent a memorandum (Tab B) to Director Wick and Under Secretary Armacost, directing them to submit a decision memorandum to resolve the delegation dispute. A decision memorandum, with alternative proposed executive orders, was submitted to OMB on November 4. OMB staffed it to NSC, OMB General Counsel, and our office. A group from U.S.I.A. met with Diane Weinstein of OMB General Counsel and me to present the U.S.I.A. position orally; State apparently is content with the exposition of its arguments in the memorandum.

U.S.I.A. and State agree that most of the Presidential functions in the Convention on Cultural Property Implementation Act, such as determining whether negotiations should be initiated, and taking the various procedural steps in processing a request, should be delegated to the U.S.I.A. Director. Disagreement centers on the actual negotiation of bilateral or multilateral agreements to protect cultural property, which is one of the steps the President is authorized to take if it is determined that the conditions of the Convention and Act have been met, see 19 U.S.C. § 2602. State contends that it should have negotiating authority, since international negotiating authority should not be fragmented but remain centered at State, whatever the substantive area. Giving this authority to anyone other than the Secretary of State and his representatives abroad would confuse foreign governments and prevent consideration of the cultural property issue in the context of all

outstanding bilateral issues. Action on cultural property issues should not be taken without considering the possible effect on other, unrelated issues between the two countries. Only State can ensure such comprehensive consideration. Cultural property disputes often touch upon very sensitive nationalistic sentiments, and the Act authorizes very serious law enforcement remedies. This is not simply the museum-exchange sort of issue U.S.I.A. is accustomed to handling.

U.S.I.A. argues that this is within its area of expertise. Even State concedes that U.S.I.A. should be delegated all other Presidential functions under the Act. The Cultural Property Advisory Committee, which plays an important role in the statutory process, was placed by law in U.S.I.A., see 19 U.S.C. § 2605, and the Advisory Committee strongly supports the U.S.I.A. position in this dispute. U.S.I.A. notes that it already possesses authority to negotiate international agreements, such as those under the Fulbright-Hays Act, and the conduct of American foreign relations seems to have survived this "fragmentation" of international negotiating authority. U.S.I.A. is very active in the cultural property area already, with many international contacts in the museum and preservation fields, and it would be confusing to foreign governments if U.S.I.A. did not have this negotiating authority. Finally, while these issues are very important to small groups in the United States and other countries, cultural property issues will seldom be in the forefront of bilateral relations. U.S.I.A. is concerned that these issues will become "lost" at State, to the detriment of effective implementation of the Convention.

Both NSC and OMB General Counsel have decided that U.S.I.A. has the better of the argument. Unless we object, OMB will circulate the U.S.I.A. draft for formal executive order clearance, with a cover memorandum noting State's disagreement.

I have no strong views on this dispute, but I tend to agree with NSC and OMB that the negotiating authority should be delegated to U.S.I.A. U.S.I.A. has most of the responsibility for administering this law already, and it would be confusing and inefficient to slice off one aspect and vest that in State. This would be particularly true if, as seems likely, these issues were to be high-priority at U.S.I.A. but low-priority at State. State's main argument, that international negotiating authority should not be fragmented, is appealing in the abstract but less so in this concrete case. It is very implausible that we would trade off concessions in the area of protecting cultural property (here, say, Eskimo totems) in exchange for concessions in other areas (say, acid rain). It strikes me that cultural property issues are by their nature discrete and severable, and need

not be viewed in every instance in the overall context of bilateral relations. In any event, as with any agency with international responsibilities, there is always the requirement of consultation with State.

I recommend that we advise OMB that we have no objection to circulating the U.S.I.A. draft order, with a cover memorandum noting State's disagreement, as the vehicle for deciding this issue.

September 27, 1979

STATEMENT OF
MARK B. FELDMAN,
DEPUTY LEGAL ADVISER,
DEPARTMENT OF STATE,
BEFORE THE SUBCOMMITTEE ON TRADE
OF THE
HOUSE COMMITTEE ON WAYS AND MEANS
ON H.R. 3403
TO IMPLEMENT THE CONVENTION ON THE MEANS OF
PROHIBITING AND PREVENTING THE ILLICIT IMPORT,
EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

Mr. Chairman, Members of the Committee:

I am pleased to have the opportunity to appear this morning to express the Administration's support of H.R. 3403, a bill to Implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. I am accompanied by Mr. Michael Glass of the International Communication Agency and Mr. Richard Abbey of the Customs Bureau of the Treasury Department. My statement supplements the Administration's views as communicated to the Committee on Ways and Means in the State Department's letter of July 18, 1979. In brief, the Administration supports H.R. 3403 with two technical amendments to provide a role for the ICA in the administration of this measure.

The bill represents seven years of effort to implement the Convention on Cultural Property adopted by UNESCO in November 1970. The Senate gave its unanimous advice and consent to that Convention on August 11, 1972, and the first Administration proposal to implement the Convention was sent to the Congress

in June 1973 (H.R. 11754 of the 93rd Congress), but the legislation was not acted upon. After intensive consultations with interested museums, archaeologists, art dealers and academicians, the Department of State revised its draft legislation and submitted a new text to the Congress in July 1975 (H.R. 14171). Once again no action was taken in the Congress. Fortunately, hearings were held by this Subcommittee in April 1977 after Congressman Mikva introduced a revised version of the legislation as H.R. 5643. During those hearings and a public markup of the bill considerable testimony was received from interested groups, and certain additional amendments were made. H.R. 5643 was then brought before the House and passed unanimously on October 17, 1977.

The Trade Subcommittee of the Senate Finance Committee held hearings on the bill in the last session of Congress, but the Finance Committee took no action to report the measure to the Senate. The text of H.R. 3403 is identical to H.R. 5643 as it passed the House at the last session.

The UNESCO Convention and the bill before you respond to a world-wide problem of theft of cultural property, depredation of archaeological sites, and the illegal removal of art treasures which are important to the cultural patrimony of the countries concerned. Clandestine excavations of archaeological sites and the pillage of ancient monuments destroy the record of past civilizations and diminish the cultural heritage of mankind. Wholesale removal of cultural artifacts deprives a country of important elements of its cultural identity. Countries

victimized have protested and requested assistance in the return of their cultural objects. The Administration believes the United States should render such assistance on grounds of principle, good foreign relations, and concern for the preservation of the cultural heritage of mankind.

Many archaeologists, museums and academicians agree with this assessment. A number of American institutions have adopted codes of ethics that preclude acquisition of art objects illegally removed from countries of origin and several prestigious associations of museums and art directors have endorsed the Convention. Indeed, the Congress has already enacted legislation prohibiting the importation of pre-Colombian monumental and architectural sculpture without the consent of the country of origin, and the United States has concluded a Treaty with Mexico assuring reciprocal assistance when important cultural properties are stolen in one country and removed to the other. By all reports these measures have had good effect.

The present bill would extend cooperation to Treaty partners in other areas of the world, but the bill has been carefully developed over seven years to protect American institutions and collectors from undue regulation. The bill focuses on two main areas of concern. First, the bill prohibits the import of cultural property stolen from museums or religious or secular public monuments or similar institutions and authorizes appropriate steps to recover and return such property. This is done under Section 7 and Section 9(c); these provisions are essentially non-controversial.

Second, the bill authorizes negotiation of agreements with other governments to control imports of carefully defined cultural objects in cases in which a State Party's cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials. The authority to negotiate and to enforce import controls is set forth in Sections 2, 4, 5 and 9(a) and (b) of the bill before you.

Numerous safeguards have been incorporated in these provisions to ensure that import controls would not be applied indiscriminately and that the burden on the United States would not be onerous. Both the bill and the Convention incorporate the principle of non-retroactivity. No art object that is in an American collection today or that is acquired in the future before an import ban is applied will be affected. Under this measure, import controls would only be applied to specific categories of archaeological or ethnological objects from particular countries and only after agreements had been negotiated with those countries and detailed regulations issued by the Treasury. Before making such agreements, the President is required to seek the advice of a strong Advisory Committee, representative of all interested sectors of the community. He must make several specific findings spelled out in Section 2(a), and he must report his action to the Congress. Also, import controls may be applied in certain restricted emergency situations.

→ H.R. 3404 as it stands provides for the Secretary of State to consult with the Secretary of the Treasury concerning regulations to implement agreements under the bill and requires

the Secretary of State to provide administrative and technical support services to the Advisory Committee. In line with the primary role of the International Communications Agency in the international cultural field, the Administration proposes that these functions be performed by the ICA. Accordingly, we propose that Sections 4 and 5(e) of the bill be amended to substitute reference to the Director of ICA where reference is made to the Secretary of State. Naturally, the Department of State will provide foreign policy guidance in the performance of these functions as it does on all matters touching U.S. foreign relations.

In conclusion, Mr. Chairman, I am able to report that since the hearings by this Committee in April 1977, the number of countries party to the Cultural Property Convention has increased from 30 to 43. Not surprisingly most of the countries that have acceded to the Convention are developing countries, such as Egypt, India and Mexico, that need assistance to help protect their cultural patrimony from depredation. The list of countries adhering to this Convention since we last met in this House also includes Canada and Italy. Further, we have been advised that the Commission of the European Economic Community on November 21, 1977, recommended that the Member States ratify the Convention. We are hopeful that the members of the European Community will act on this recommendation. We believe that ratification of the Treaty by the United States would give impetus to its acceptance by many other countries.

This concludes our presentation. We believe that the measure before you is balanced legislation, which represents an accommodation of conflicting views and is deserving again of your support. I will be pleased to answer any questions.

ambassador deals thru USIA officers

305 issue: consult w/ DOT, added voluntarily

DOT find ways

thought added by 1978 reorg

negotiating authority in USIA in the area. (VOA, Fulbright)

Adv can reach USIA.

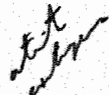
if at State, best

Confusing to the sure to have USIA out of loop.

not necessary, not present.

II. Definition: Cultural Property Protection Agreement

Cultural Property Protection Agreement to include:

Substance	Expertise	USIA/USIS Resources	USIA Activity in Relevant Programming
1. Description and list of archaeological and ethnographic material to be protected.	Specialists consisting of art historians, anthropologists, archaeologists.	Cultural Property Advisory Committee and consultants	To be coordinated with CAOs.
2. Protective measures State Party should upgrade internally.	Specialists in museum security.	Cultural Property Advisory Committee and consultants	To be coordinated with CAOs. 
3. Commitment from State Party to permit exchange of materials that would be consistent with the general interest in the interchange of cultural property for scientific, cultural and educational purposes.	Negotiation of cultural agreements.	Expertise of CAOs in negotiating cultural agreements.	USIA has negotiated 15 cultural agreements, 1978-1985 (not included are academic and VOA agreements.)
a) Exhibitions	Knowledge of developing and coordinating exhibitions.	Arts America; Exhibits Service; services of the American Cultural Centers and Libraries.	Managed 100 exhibition projects; each sent to at least 5 countries, 1978-1985.
b) Cultural exchange programs involving museum professionals, archaeologists, anthropologists, conservators	Knowledge of developing and managing cultural exchange programs.	International Visitor Program Group Projects	Since 1952, 14,409 IVs supported current average is 2,000 annually. 70 Group Projects, 1981-1985 (e.g., Museum Administration, Museum Collections, Education in Museums, Collections Management.)
c) Research on sites and materials by scholars.	(Same)	Private Sector Programs	Support for 116 cultural programs, 1978-1985.
d) Technical assistance in conservation/preservation.	(Same)	American Participants Abroad (AmParts) Fulbright Exchanges Academic Exchange Programs	Supported overseas programming of 4,178 participants, 1979-1985. Programs include: the Arts and Humanities in America, Challenges of Science and Technology in the 1980s. Awarded 33,424 grants to scholars, 1973-1982. Specific Example: American Schools of Oriental Research (ASOR) projects supported by USIA - ASOR oversees 33 projects in Cyprus and the Middle East.