

**SA 1734. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

**SEC. \_\_\_X. PROTECTION OF CULTURAL PROPERTY.**

(a) *Amendment to Title 28.*--Section 1611 of title 28, United States Code, is amended by inserting at the end the following:

``(d)(1) Notwithstanding any other provision of law, including section 1610 of this title or section 201 of the Terrorism Risk Insurance Act of 2002 (Pub. L. No. 107-297; 116 Stat. 2337), the property of a foreign state or of an agency or instrumentality of a foreign state shall be immune from attachment and from execution if--

``(A) the property is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

``(B) the property first came into the United States before January 12, 1983 (the date of enactment of the Convention on Cultural Property Implementation Act, Pub. L. No. 97-446); and

``(C) the property is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.

``(2) In any proceeding involving the attachment or execution of property alleged to be property of a foreign state or of any agency or instrumentality of a foreign state, the immunity of the property from attachment or execution may be raised by any party that has or claims ownership, possession, custody, or control over such property, whether or not the foreign state or agency or instrumentality of a foreign state to which the property allegedly belongs appears or asserts a claim of immunity.

``(3) The immunity of property under this subsection from attachment and execution shall be broadly construed.".

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(b) *Amendment to Terrorism Risk Insurance Act.*--Section 201(d)(2)(B) of the Terrorism Risk Insurance Act of 2002 (P.L. 107-297; 28 U.S.C. 1610 note) is amended--

(1) in clause (i), by striking "or" after the semicolon;

(2) in clause (ii), by striking the period and inserting "; or"; and

(3) by inserting at the end the following:

"(iii)(I) is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

"(ii) first came into the United States before January 12, 1983 (the date of enactment of the Convention on Cultural Property Implementation Act (P. L. 97-446)); and

"(iii) is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965."

(c) *Effective Date.*--The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any proceeding pending on or after the date of the enactment of this Act.