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**Folder Title:** JGR/Cultural Property Review Board  
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THE WHITE HOUSE  
WASHINGTON

November 22, 1985

*John*

*OK -  
when is  
memo,*

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.



THE WHITE HOUSE

WASHINGTON

October 4, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Canadian Request for U.S. Import Restrictions  
Under the Convention on Cultural Property

The United States, Canada, and many other countries are signatories to the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. The Convention is designed to protect each country's interest in its own archaeological artifacts and other national art treasures that may be considered to comprise the country's cultural patrimony. In 1983 Congress passed the Convention on Cultural Property Implementation Act, 19 U.S.C. §§ 2601-2612. That act authorizes the President to enter into bilateral agreements with Convention signatories to restrict the import of cultural property of the other country into the United States. The act set out a procedure whereby requests from other countries for such action are referred to a Cultural Property Advisory Committee for review and recommendation.

Ever since the act was passed State and U.S.I.A. have been feuding over which agency should be delegated authority to perform the various tasks the act assigned to the President. State contends it should receive the delegations because the process involves negotiating an agreement with other countries; U.S.I.A. bases its case largely on the fact that the Cultural Property Advisory Committee is, by statute, based at U.S.I.A.

This dispute is still unresolved, and now the act has been triggered by receipt on October 2 of the first request from another country -- Canada -- for import restrictions. U.S.I.A. Director Wick has written you to request that the President publish notification of the request in the Federal Register, as required by 19 U.S.C. § 2602(f)(1), and send a letter to Wick, authorizing him to release information in the request to the Advisory Committee, so that it might begin its statutory review. The letter Wick would have the President send him also has the President saying he looks forward to Wick taking the lead in response to the Canadian request. In his cover memorandum Wick states that State and U.S.I.A. will submit a request for resolution of their dispute "within the next few weeks."

I think receipt of the Canadian request is an excellent opportunity to force an immediate resolution of the State/U.S.I.A. dispute. I do not think the White House should begin managing the procedures of the act directly, but rather should insist on a prompt delegation to either State or U.S.I.A., or perhaps a delegation of some authorities to one and others to the other. There is no reason the process should take a "few weeks;" according to OMB's John Cooney, the pertinent drafts were ready years ago, with blanks for either "State" or "U.S.I.A." to be inserted. Nor is there any need for immediate action by the President. The statute simply provides that if a request is received the President shall publish notification in the Federal Register and provide information to the Advisory Committee; there is no suggestion that this must happen immediately. I see no reason that an Executive Order delegating the authorities cannot be signed next week, and think the steps required by the statute could then still be taken in a timely manner. (The statute gives the Advisory Committee 150 days to prepare its report, so an extra week delay at the outset cannot be considered significant.)

A memorandum to Wick and Michael Armacost (the State player in the long-running feud) is attached.

Attachment

*B*



THE WHITE HOUSE

WASHINGTON

October 4, 1985

MEMORANDUM FOR CHARLES Z. WICK  
DIRECTOR, UNITED STATES  
INFORMATION AGENCY

MICHAEL H. ARMACOST  
UNDER SECRETARY FOR POLITICAL AFFAIRS  
U.S. DEPARTMENT OF STATE

FROM: FRED F. FIELDING Orig. signed by FFF  
COUNSEL TO THE PRESIDENT

SUBJECT: Convention on Cultural Property

Director Wick has advised me of the receipt of a request from Canada under the Convention on Cultural Property Implementation Act, and requested that the President publish notice of the request in the Federal Register (as required by 19 U.S.C. § 2602(f)(1)) and sign a letter authorizing the release of pertinent information to the Cultural Property Advisory Committee. I understand that State and USIA have discussed the delegation of the President's authorities under the Act, and have been unable to resolve the matter. Rather than proceeding to involve the White House directly in the administration of this Act, I think it preferable promptly to resolve the delegation dispute, and have the President sign an Executive Order accomplishing the delegations. The Canadian request would then be handled pursuant to the delegation of authorities.

Since this matter has been the subject of discussion between your two agencies for some time, I do not foresee any reason either a resolution or decision memorandum cannot be submitted to OMB in the next few days. If this is done, there is no need for the President to take any direct action. There is no suggestion that the Federal Register notice need be filed immediately, and the fact that the Advisory Committee is given 150 days to submit its report suggests a delay of about one week should not be significant.

Please advise if you have any objection to this proposed course of action.

FFF:JGR:aea 10/4/85

cc: FFFielding  
JGRoberts  
Subj  
Chron

12/2/85

THE WHITE HOUSE  
WASHINGTON

TO: JGR

FROM: Richard A. Hauser *RAH*  
Deputy Counsel to the President

FYI: \_\_\_\_\_

COMMENT: \_\_\_\_\_

ACTION: \_\_\_\_\_

*Pls call re the attached.*

THE WHITE HOUSE

WASHINGTON

November 22, 1985

*DB of  
State?*

*RAH*

*11/29*

*State of FKF*

*It went back  
to John w/a  
request for  
a memo to  
OMB.*

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*not so!  
Mike Koyak (DBS)  
would like to  
provide additional  
background  
and info.*

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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.

EXECUTIVE ORDER

- - - - -

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 Pub. 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 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(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation action on their agreement; provided, however, that the Secretary of State will remain responsible for interpretation of the agreement.

(c) The functions conferred by section 303(e) relating to the determinations to be made prior to the initiation of negotiations for the extension of any agreement.

(d) 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").

(e) The functions conferred by section 303(g)(1)(B) relating to the notification of Presidential action and the furnishing of reports to Congress.

(f) 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).

(g) 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 emergency import restrictions.

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

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

Sec. 2. 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 and with the participation of the Director of the United States Information Agency and in consultation with the Secretary of 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(e) relating only to negotiation and conclusion of extensions of agreements under the Act.

(d) Except with respect to subsection 303(g)(1)(B), the functions conferred by section 303(g), relating to the notification of Presidential action and the furnishing of reports to the Congress.

(e) 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.

Sec. 3. Department of the Treasury. The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Director of the United States Information Agency and the Secretary of State:

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

(b) Subject to subsection (f) and (g) 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).

Sec. 4. Enforcement in Territories and Other Areas. The Secretary of the Interior is designated to carry out the enforcement functions in section 314.

THE WHITE HOUSE,





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 6, 1986

Honorable Edwin Meese, III  
United States Attorney General  
Washington, D.C. 20530

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Protection of Cultural Property", that would delegate the President's authorities under the Convention on Cultural Property Implementation Act of 1982.

The Convention on Cultural Property Implementation Act (Title III, P.L. 97-446) (the "Act") enables the United States to implement a 1970 United Nations Educational Scientific, and Cultural Organization (UNESCO) Convention on Cultural Property.

The Act carries out two major provisions of the UNESCO Convention: (1) the prohibition of importation into the United States of cultural property documented in the inventory of a public monument, museum, or similar institution in a State that is a party to the Convention, and (2) the establishment of a mechanism whereby the President may negotiate a bilateral or multilateral agreement, or take unilateral emergency action, through the imposition of United States import restrictions, to protect archaeological or ethnological materials that are in danger of pillage.

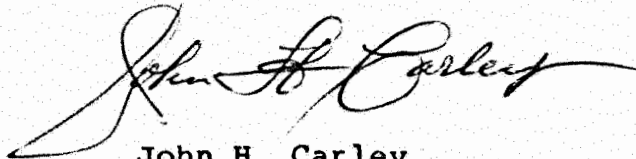
The order delegates most of the Act's Presidential functions (other than certain functions relating to import restrictions that are vested in the Secretary of the Treasury) to the United States Information Agency (USIA). After some disagreement, USIA determined by letter dated February 14, 1986 to concur with State on the delegating of the function of negotiating treaty agreements to State.

Although the National Security Council (NSC) had earlier recommended that the lead treaty negotiating responsibility be assigned to the Director of the USIA, it now concurs with the delegation of this function to State.

Your staff may direct any questions concerning this proposed Executive order to Mrs. Diane G. Weinstein of this office (395-5600).

This proposed Executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

A handwritten signature in cursive script, reading "John H. Carley". The signature is written in dark ink and is positioned above the typed name and title.

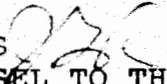
John H. Carley  
General Counsel

THE WHITE HOUSE

WASHINGTON

March 7, 1986

MEMORANDUM FOR DAVID L. CHEW  
STAFF SECRETARY AND DEPUTY ASSISTANT  
TO THE PRESIDENT

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Executive Order: Protection  
of Cultural Property

Counsel's Office has reviewed the above-referenced draft Executive Order. In line 11 on page one and line 27 on page two, "Secretary of Treasury" should be "Secretary of the Treasury." In line 11 on page two, "function" should be "functions." In line 17 on page two, "reception" should be "receipt."

## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Ann Chav

MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Executive Order: Protection of Cultural Property

**ROUTE TO:**

**ACTION**

**DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>Control</u>	<u>ORIGINATOR</u>	<u>86103107</u>		<u>1 1</u>
	Referral Note:			
<u>Cont 18</u>	<u>R</u>	<u>86103107</u>	<u>S</u>	<u>86103107</u> <u>11am</u>
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**ACTION CODES:**

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

## WHITE HOUSE STAFFING MEMORANDUM

DATE: 3/6/86 ACTION/CONCURRENCE/COMMENT DUE BY: 11:00 a.m. 3/7/86

SUBJECT: EXECUTIVE ORDER: PROTECTION OF CULTURAL PROPERTY

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LACY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BUCHANAN	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CLERK</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments/recommendations on the attached by 11:00 a.m. Friday, March 7th. Thank you.

RESPONSE:

**MEMORANDUM FOR THE PRESIDENT**

**FROM:** James C. Miller III  
Director

**SUBJECT:** Proposed Executive Order Entitled "Protection of Cultural Property"

**SUMMARY.** This memorandum forwards for your consideration a proposed Executive order that would delegate the President's authorities under the Convention on Cultural Property Implementation Act of 1982.

**BACKGROUND.** The Convention on Cultural Property Implementation Act (Title III, P.L. 97-446) (the "Act") enables the United States to implement a 1970 United Nations Educational Scientific, and Cultural Organization (UNESCO) Convention on Cultural Property.

The Act carries out two major provisions of the UNESCO Convention: (1) the prohibition of importation into the United States of cultural property documented in the inventory of a public monument, museum, or similar institution in a State that is a party to the Convention, and (2) the establishment of a mechanism whereby the President may negotiate a bilateral or multilateral agreement, or take unilateral emergency action, through the imposition of United States import restrictions, to protect archaeological or ethnological materials that are in danger of pillage.

The order delegates most of the Act's Presidential functions (other than certain functions relating to import restrictions that are vested in the Secretary of the Treasury) to the United States Information Agency (USIA). After some disagreement, USIA determined by letter dated February 14, 1986 to concur with State on the delegating of the function of negotiating treaty agreements to State.

Although the National Security Council (NSC) had earlier recommended that the lead treaty negotiating responsibility be assigned to the Director of the USIA, it now concurs with the delegation of this function to State.

All other affected agencies concur in the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order. Expeditious action is advisable since the Government of Canada has submitted a formal request to negotiate a cultural property agreement to USIA; referral of the request to the Advisory Committee established by the Act is being delayed pending issuance of this Order.

Attachment  
cc: Official file - EO Records  
DO Records  
DO Chron  
Director  
Deputy Director  
General Counsel  
OGC Chron  
DO:GC:JFCooney:bmw 2/14/86



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Received 55

March 6, 1986

1986 MAR -6 PM 5:51

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Washington, D.C. 20530

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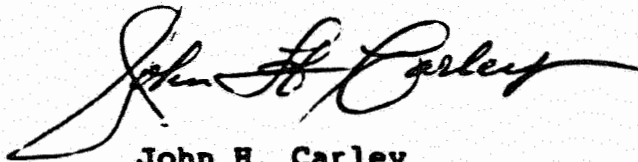


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General Counsel

EXECUTIVE ORDER

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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 Pub. 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 <sup>the</sup> 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(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation action on their agreement; provided, however, that the Secretary of State will remain responsible for interpretation of the agreement.

(c) The functions conferred by section 303(e) relating to the determinations to be made prior to the initiation of negotiations for the extension of any agreement.

(d) 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").

(e) The functions conferred by section 303(g)(1)(B) relating to the notification of Presidential action and the furnishing of reports to Congress.

(f) 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).

(g) The function<sup>s</sup> 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 emergency import restrictions.

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

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

Sec. 2. 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 and with the participation of the Director of the United States Information Agency and in consultation with the Secretary of <sup>the</sup> 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.

*State  
Party*

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

(d) Except with respect to subsection 303(g)(1)(B), the functions conferred by section 303(g), relating to the notification of Presidential action and the furnishing of reports to the Congress.

(e) 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.

Sec. 3. Department of the Treasury. The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Director of the United States Information Agency and the Secretary of State:

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

(b) Subject to subsection (f) and (g) 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).

Sec. 4. Enforcement in Territories and Other Areas. The Secretary of the Interior is designated to carry out the enforcement functions in section 314.

THE WHITE HOUSE,

THE WHITE HOUSE  
Office of the Press Secretary

For Immediate Release

March 10, 1986

EXECUTIVE ORDER

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 Public Law 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(d) with respect to the determinations concerning the failure of other parties to an agreement to take any or satisfactory implementation action on their agreement; provided, however, that the Secretary of State will remain responsible for interpretation of the agreement.

(c) The functions conferred by section 303(e) relating to the determinations to be made prior to the initiation of negotiations for the extension of any agreement.

(d) 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").

(e) The functions conferred by section 303(g)(1)(B) relating to the notification of Presidential action and the furnishing of reports to the Congress.

(f) 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).

(g) The functions 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 emergency import restrictions.

more

(OVER)

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

(i) 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.

Sec. 2. 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 and with the participation of the Director of the United States Information Agency and in consultation with 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(e) relating only to negotiation and conclusion of extensions of agreements under the Act.

(d) Except with respect to subsection 303(g)(1)(B), the functions conferred by section 303(g), relating to the notification of Presidential action and the furnishing of reports to the Congress.

(e) 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.

Sec. 3. Department of the Treasury. The following functions conferred upon the President by the Act are hereby delegated to the Secretary of the Treasury, acting in consultation with the Director of the United States Information Agency and the Secretary of State:

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

(b) Subject to subsection (f) and (g) 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).

Sec. 4. Enforcement in Territories and Other Areas. The Secretary of the Interior is designated to carry out the enforcement functions in section 314.

RONALD REAGAN

THE WHITE HOUSE,  
March 10, 1986.

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