

United States Customs Service, Treasury

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forfeited to the U.S. in accordance with part 162 of this chapter.

(1) Any stolen article of cultural property which is forfeited to the U.S. shall, in accordance with the provisions of Title III of Pub. L. 97-446, 2609(c):

(i) First be offered for return to the State Party in whose territory is situated the institution referred to in 19 U.S.C. 2607 and shall be returned if that State Party bears the expenses incident to such return and delivery and complies with such other requirements relating to the return as the Secretary prescribes; or

(ii) If not returned to such State Party, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

§ 12.104f Temporary disposition of materials and articles.

Pending a final determination as to whether any archaeological or ethnological material, or any article of cultural property, has been imported into the U.S. in violation of 19 U.S.C. 2606 or 19 U.S.C. 2607, the Secretary may permit such material or article to be retained at a museum or other cultural or scientific institution in the U.S. if he finds that sufficient safeguards will

be taken by the museum or institution for the protection of such material or article; and sufficient bond is posted by the museum or institution to ensure its return to the Secretary.

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) The following is a list of agreements imposing import restrictions on the described articles of cultural property of State Parties. The listed Treasury Decision contains the Designated Listing with a complete description of specific items or categories of archaeological or ethnological material designated by the agreement as coming under the protection of the Convention on Cultural Property Implementation Act. Import restrictions listed below shall be effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists. Any such extension is indicated in the listing.

State party	Cultural Property	T.D. No.
Canada	Archaeological artifacts and ethnological material culture of Canadian origin.	T.D. 97-31
El Salvador	Archaeological material representing Prehispanic cultures of El Salvador.	T.D. 95-20 extended by T.D. 00-16
Guatemala	Archaeological material from sites in the Peten Lowlands of Guatemala, and related Pre-Columbian material from the Highlands and the Southern Coast of Guatemala.	T.D. 97-81
Italy	Archaeological Material of pre-Classical, Classical, and Imperial Roman periods ranging approximately from the 9th century B.C. to the 4th century A.D..	T.D. 01-06
Mali	Archaeological material from the Niger River Valley Region, Mali, and the Bandiagara Escarpment (Cliff) forming part of the remains of the sub-Sahara culture.	T.D. 97-80
Nicaragua	Archaeological material of pre-Columbian cultures ranging approximately from 8000 B.C. to 1500 A.D.	T.D. 00-75
Peru	Archaeological artifacts and ethnological material from Peru ..	T.D. 97-50

(b) The following is a list of emergency actions imposing import restrictions on the described articles of cultural property of State Parties. The listed Treasury Decision contains a complete description of specific items or categories of archaeological or ethnological material designated by the

emergency actions as coming under the protection of the Convention on Cultural Property Implementation Act. Import restrictions listed below shall be effective for no more than five years from the date on which the State Party requested those restrictions. This period may be extended for three more

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years if it is determined that the emergency condition continues to apply with respect to the archaeological or

ethnological material. Any such extension is indicated in the listing.

State party	Cultural property	T.D. No.
Bolivia	Antique ceremonial textiles from Coroma	89-37, extended by 93-34
Cambodia	Khmer stone archaeological material from Cambodia	T.D. 99-88
Cyprus	Byzantine ecclesiastical and ritual ethnological materials from Cyprus.	99-35

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986, as amended by T.D. 90-3, 55 FR 1810, Jan. 19, 1990; T.D. 90-37, 55 FR 19030, May 7, 1990; T.D. 91-34, 56 FR 15182, Apr. 15, 1991; T.D. 92-28, 57 FR 9975, Mar. 23, 1992; T.D. 93-34, 58 FR 29349, May 20, 1993; T.D. 93-74, 58 FR 49430, Sept. 23, 1993; T.D. 94-54, 59 FR 32903, June 27, 1994; T.D. 94-84, 59 FR 54818, Nov. 2, 1994; T.D. 95-20, 60 FR 13360, 13361, Mar. 10, 1995; T.D. 97-31, 62 FR 19492, Apr. 22, 1997; T.D. 97-50, 62 FR 31721, June 11, 1997; T.D. 97-80, 62 FR 49596, Sept. 23, 1997; T.D. 97-81, 62 FR 51774, Oct. 3, 1997; T.D. 99-35, 64 FR 17531, Apr. 12, 1999; T.D. 99-88, 64 FR 67481, Dec. 2, 1999; T.D. 00-16, 65 FR 12470, Mar. 9, 2000; T.D. 00-75, 65 FR 64142, Oct. 26, 2000; T.D. 01-06, 66 FR 7401, Jan. 23, 2001]

§ 12.104h Exempt materials and articles.

The provisions of these regulations shall not apply to—

(a) Any archaeological or ethnological material or any article of cultural property which is imported into the U.S. for temporary exhibition or display, if such material or article is rendered immune from seizure under judicial process by the U.S. Information Agency, Office of the General Counsel and Congressional Liaison, pursuant to the Act entitled “An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes”, approved October 19, 1965 (22 U.S.C. 2459); or

(b) Any designated archaeological or ethnological material or any article of cultural property imported into the U.S. if such material or article—

(1) Has been held in the U.S. for a period of not less than 3 consecutive years by a recognized museum or religious or secular monument or similar institution, and was purchased by that institution for value, in good faith, and without notice that such material or

article was imported in violation of these regulations, but only if—

(i) The acquisition of such material or article has been reported in a publication of such institution, any regularly published newspaper or periodical with a circulation of at least 50,000, or a periodical or exhibition catalog which is concerned with the type of article or materials sought to be exempted from these regulations,

(ii) Such material or article has been exhibited to the public for a period or periods aggregating at least 1 year during such 3-year period, or

(iii) Such article or material has been cataloged and the catalog material made available upon request to the public for at least 2 years during such 3-year period;

(2) If paragraph (b)(1) of this section does not apply, has been within the U.S. for a period of not less than 10 consecutive years and has been exhibited for not less than 5 years during such period in a recognized museum or religious or secular monument or similar institution in the U.S. open to the public;

(3) If paragraphs (b) (1) and (2) of this section do not apply, has been within the U.S. for a period of not less than 10 consecutive years and the State Party concerned has received or should have received during such period fair notice (through such adequate and accessible publication, or other means, as the Secretary or his designee shall prescribe) of its location within the U.S.; and

(4) If none of the preceding subparagraphs apply, has been within the U.S. for a period of not less than 20 consecutive years and the claimant establishes that it purchased the material or article for value without knowledge or reason to believe that it was imported in violation of law.