

§ 12.104h

19 CFR Ch. I (4-1-99 Edition)

justified the initial agreement still such extension is indicated in the listing. The agreement exists. Any

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
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
Mali	Archaeological material from the Niger River Valley Region, Mali, and the Bandiagara Escarpment (Cliff) forming part of the remains of the sub-Saharan culture.	T.D. 97-80
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 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

[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]

§ 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.

§ 12.104i Enforcement.

In the customs territory of the United States, and in the U.S. Virgin Islands, the provisions of these regulations shall be enforced by appropriate customs officers. In any other territory or area within the U.S., but not within such customs territory or the U.S. Virgin Islands, such provisions shall be enforced by such persons as may be designated by the President.

PRE-COLUMBIAN MONUMENTAL AND ARCHITECTURAL SCULPTURE AND MURALS

§ 12.105 Definitions.

For purposes of §§ 12.106 through 12.109:

(a) The term *pre-Columbian monumental or architectural sculpture or mural* means any stone carving or wall art listed in paragraph (b) of this section which is the product of a pre-Columbian Indian culture of Belize, Bolivia, Columbia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru, or Venezuela.

(b) The term *stone carving or wall art* includes:

(1) Such stone monuments as altars and altar bases, archways, ball court markers, basins, calendars, and calendrical markers, columns, monoliths, obelisks, statues, stelae, sarcophagi, thrones, zoomorphs;

(2) Such architectural structures as aqueducts, ball courts, buildings, bridges, causeways, courts, doorways (including lintels and jambs), forts, observatories, plazas, platforms, facades, reservoirs, retaining walls, roadways, shrines, temples, tombs, walls, walkways, wells;

(3) Architectural masks, decorated capstones, decorative beams of wood, frescoes, friezes, glyphs, graffiti, mosaics, moldings, or any other carving or decoration which had been part of or affixed to any monument or architectural structure, including cave paintings or designs;

(4) Any fragment or part of any stone carving or wall art listed in the preceding subparagraphs.

(c) The term *country of origin*, as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where the sculpture or mural was first discovered.

[T.D. 73-119, 38 FR 10807, May 2, 1973, as amended by T.D. 73-151, 38 FR 14677, June 4, 1973; T.D. 73-165, 38 FR 16044, June 20, 1973; 42 FR 42684, Aug. 24, 1977; T.D. 82-145, 47 FR 35477, Aug. 16, 1982]