

(6) any Act enacted explicitly for the purpose of implementing an international agreement to which the United States is a party, including such agreements relating to commodities, but not including any agreement relating to cheese or dairy products.

(Pub. L. 96-39, title XI, §1102, July 26, 1979, 93 Stat. 307; Pub. L. 100-418, title I, §1214(k), Aug. 23, 1988, 102 Stat. 1158.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(2), is Pub. L. 95-223, title II, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(3), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

The Trading With the Enemy Act, referred to in subsec. (b)(4), is act Oct. 6, 1917, ch. 106, 40 Stat. 411, which was classified generally to sections 1 to 6, 7 to 39 and 41 to 44 of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 53 (§4301 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1988—Subsec. (b)(3). Pub. L. 100-418 substituted “notes of the Harmonized Tariff Schedule of the United States” for “headnotes of the Tariff Schedules of the United States”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of this title.

EFFECTIVE DATE

Pub. L. 96-39, title XI, §1114, July 26, 1979, 93 Stat. 317, provided that: “Except as otherwise provided in this title, this title [enacting this subchapter, amending the Tariff Schedules of the United States and sections 1315, 1337, 2112, 2119, 2131, 2155, 2192, 2253, 2432, 2434, 2435, 2462, 2463, 2464, 2481, and 2486 of this title, section 5315 of Title 5, Government Organization and Employees, and section 301 of Title 13, Census, enacting provisions set out as notes under sections 2111, 2112, and 2464 of this title and 301 of Title 13, and amending a provision set out as a note under section 2101 of this title] shall take effect on the date of enactment of this Act [July 26, 1979].”

§ 2582. Repealed. Pub. L. 98-67, title II, § 214(d), Aug. 5, 1983, 97 Stat. 393

Section, Pub. L. 96-39, title XI, §1112, July 26, 1979, 93 Stat. 316, authorized payment of compensation to losses in taxes resulting from concessions granted by United States in Tokyo Round of Multilateral Trade Negotiations on articles produced by United States possessions on which excise taxes are levied by United States.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 5, 1983, see section 218(a) of Pub. L. 98-67, which is classified to section 2706 of this title.

CHAPTER 14—CONVENTION ON CULTURAL PROPERTY

Sec.
2601. Definitions.

Sec.
2602. Agreements to implement Article 9 of the convention.
2603. Emergency implementation of import restrictions.
2604. Designation of materials covered by agreements or emergency actions.
2605. Cultural Property Advisory Committee.
2606. Import restrictions.
2607. Stolen cultural property.
2608. Temporary disposition of materials and articles subject to this chapter.
2609. Seizure and forfeiture.
2610. Evidentiary requirements.
2611. Certain material and articles exempt from this chapter.
2612. Regulations.
2613. Enforcement.

§ 2601. Definitions

For purposes of this chapter—

(1) The term “agreement” includes any amendment to, or extension of, any agreement under this chapter that enters into force with respect to the United States.

(2) The term “archaeological or ethnological material of the State Party” means—

- (A) any object of archaeological interest;
- (B) any object of ethnological interest; or
- (C) any fragment or part of any object referred to in subparagraph (A) or (B);

which was first discovered within, and is subject to export control by, the State Party. For purposes of this paragraph—

(i) no object may be considered to be an object of archaeological interest unless such object—

- (I) is of cultural significance;
- (II) is at least two hundred and fifty years old; and
- (III) was normally discovered as a result of scientific excavation, clandestine or accidental digging, or exploration on land or under water; and

(ii) no object may be considered to be an object of ethnological interest unless such object is—

- (I) the product of a tribal or nonindustrial society, and
- (II) important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development, or history of that people.

(3) The term “Committee” means the Cultural Property Advisory Committee established under section 2605 of this title.

(4) The term “consignee” means a consignee as defined in section 1483¹ of this title.

(5) The term “Convention” means the Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property adopted by the General Conference of the United Nations Educational, Scientific, and Cultural Organization at its sixteenth session.

(6) The term “cultural property” includes articles described in article 1(a) through (k) of the Convention whether or not any such arti-

¹ See References in Text note below.

cle is specifically designated as such by any State Party for the purposes of such article.

(7) The term “designated archaeological or ethnological material” means any archaeological or ethnological material of the State Party which—

(A) is—

(i) covered by an agreement under this chapter that enters into force with respect to the United States, or

(ii) subject to emergency action under section 2603 of this title, and

(B) is listed by regulation under section 2604 of this title.

(8) The term “Secretary” means the Secretary of the Treasury or his delegate.

(9) The term “State Party” means any nation which has ratified, accepted, or acceded to the Convention.

(10) The term “United States” includes the several States, the District of Columbia, and any territory or area the foreign relations for which the United States is responsible.

(11) The term “United States citizen” means—

(A) any individual who is a citizen or national of the United States;

(B) any corporation, partnership, association, or other legal entity organized or existing under the laws of the United States or any State; or

(C) any department, agency, or entity of the Federal Government or of any government of any State.

(Pub. L. 97-446, title III, §302, Jan. 12, 1983, 96 Stat. 2351.)

REFERENCES IN TEXT

Section 1483 of this title, referred to in par. (4), was repealed by Pub. L. 97-446, title II, §201(c), Jan. 12, 1983, 96 Stat. 2349. Prior to repeal, section 1483 read: “For the purposes of this subtitle—

“(1) All merchandise imported into the United States shall be held to be the property of the person to whom the same is consigned; and the holder of a bill of lading or the holder of an air waybill duly indorsed by the consignee therein named, or, in the case of a bill of lading if consigned to order, by the consignor, shall be deemed the consignee thereof; except that this section shall not limit in any way the rights of the consignor, as prescribed by article 12 of the Warsaw Convention (49 Stat. 3017). The underwriters of abandoned merchandise and the salvors of merchandise saved from a wreck at sea or on or along a coast of the United States may be regarded as the consignees.

“(2) A person making entry of merchandise under the provisions of subdivision (h) or (i) of section 1484 of this title (relating to entry on carrier’s certificate and on duplicate bill of lading, respectively) shall be deemed the sole consignee thereof.”

CODIFICATION

Section 2605 of this title, referred to in par. (3), was in original “section 206” and was translated as section 2605 of this title, which is section 306 of Pub. L. 97-446, as the probable intent of Congress.

EFFECTIVE DATE

Pub. L. 97-446, title III, §315, Jan. 12, 1983, 96 Stat. 2363, provided that:

“(a) IN GENERAL.—This title [enacting this chapter] shall take effect on the ninetieth day after the date of

the enactment of this Act [Jan. 12, 1983] or on any date which the President shall prescribe and publish in the Federal Register, if such date is—

“(1) before such ninetieth day and after such date of enactment; and

“(2) after the initial membership of the Committee is appointed.

“(b) EXCEPTION.—Notwithstanding subsection (a), the members of the Committee may be appointed in the manner provided for in section 306 [2605 of this title] at any time after the date of the enactment of this Act [Jan. 12, 1983].”

SHORT TITLE

Pub. L. 97-446, title III, §301, Jan. 12, 1983, 96 Stat. 2350, provided that: “This title [enacting this chapter] may be cited as the ‘Convention on Cultural Property Implementation Act.’”

§ 2602. Agreements to implement Article 9 of the convention

(a) Agreement authority

(1) In general

If the President determines, after request is made to the United States under article 9 of the Convention by any State Party—

(A) that the cultural patrimony of the State Party is in jeopardy from the pillage of archaeological or ethnological materials of the State Party;

(B) that the State Party has taken measures consistent with the Convention to protect its cultural patrimony;

(C) that—

(i) the application of the import restrictions set forth in section 2606 of this title with respect to archaeological or ethnological material of the State Party, if applied in concert with similar restrictions implemented, or to be implemented within a reasonable period of time, by those nations (whether or not State Parties) individually having a significant import trade in such material, would be of substantial benefit in deterring a serious situation of pillage, and

(ii) remedies less drastic than the application of the restrictions set forth in such section are not available; and

(D) that the application of the import restrictions set forth in section 2606 of this title in the particular circumstances is consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes;

the President may, subject to the provisions of this chapter, take the actions described in paragraph (2).

(2) Authority of President

For purposes of paragraph (1), the President may enter into—

(A) a bilateral agreement with the State Party to apply the import restrictions set forth in section 2606 of this title to the archaeological or ethnological material of the State Party the pillage of which is creating the jeopardy to the cultural patrimony of the State Party found to exist under paragraph (1)(A); or