

and the Committee on Ways and Means of the House of Representatives not later than June 1, 2016, and March 1 of each calendar year thereafter that includes—

(A) a summary of the changes to customs policies and regulations adopted by U.S. Customs and Border Protection during the preceding calendar year; and

(B) a description of the public vetting and interagency consultation that occurred with respect to each such change.

(d) Transfer of assets, functions, personnel, or liabilities; elimination of offices

(1) Office of International Trade

(A) Transfer

Not later than 30 days after February 24, 2016, the Commissioner of U.S. Customs and Border Protection shall transfer the assets, functions, personnel, and liabilities of the Office of International Trade to the Office of Trade established under subsection (b).¹

(B) Elimination

Not later than 30 days after February 24, 2016, the Office of International Trade shall be abolished.

(C) Limitation on funds

No funds appropriated to U.S. Customs and Border Protection or the Department of Homeland Security may be used to transfer the assets, functions, personnel, or liabilities of the Office of International Trade to an office other than the Office of Trade established under subsection (a), unless the Commissioner of U.S. Customs and Border Protection notifies the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for the transfer, not less than 90 days prior to the transfer of such assets, functions, personnel, or liabilities.

(D) Office of International Trade defined

In this paragraph, the term “Office of International Trade” means the Office of International Trade established by section 2072 of this title and as in effect on the day before February 24, 2016.

(2) Other transfers

(A) In general

The Commissioner of U.S. Customs and Border Protection is authorized to transfer any other assets, functions, or personnel within U.S. Customs and Border Protection to the Office of Trade established under subsection (a).

(B) Congressional notification

Not less than 90 days prior to the transfer of assets, functions, personnel, or liabilities under subparagraph (A), the Commissioner of U.S. Customs and Border Protection shall

notify the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for such transfer.

(e) Definitions

In this section, the terms “customs and trade laws of the United States”, “trade enforcement”, and “trade facilitation” have the meanings given such terms in section 4301 of this title.

(Mar. 3, 1927, ch. 348, § 4, as added Pub. L. 114-125, title VIII, § 802(h)(1), Feb. 24, 2016, 130 Stat. 213.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4 of act March 3, 1927, was classified to section 281c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378. Subsection (a) of section 4 was transferred to section 163 of Title 21, Food and Drugs, prior to the omission of section 163 from the Code on the authority of Reorg. Plan No. 1 of 1968, eff. Apr. 8, 1968, 33 F.R. 5611, 82 Stat. 1367, set out in the Appendix to Title 5.

Statutory Notes and Related Subsidiaries

CONTINUATION IN OFFICE

Pub. L. 114-125, title VIII, § 802(h)(2), Feb. 24, 2016, 130 Stat. 215, provided that: “The individual serving as the Assistant Commissioner of the Office of International Trade on the day before the date of the enactment of this Act [Feb. 24, 2016] may serve as the Executive Assistant Commissioner of Trade on and after such date of enactment, at the discretion of the Commissioner of U.S. Customs and Border Protection.”

CHAPTER 11—IMPORTATION OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS

Sec. 2091. 2092. 2093. 2094. 2095.	List of stone carvings and wall art; promulgation and revision; criteria for classification. Export certification requirement. Forfeiture of unlawful imports. Rules and regulations. Definitions.
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§ 2091. List of stone carvings and wall art; promulgation and revision; criteria for classification

The Secretary, after consultation with the Secretary of State, by regulation shall promulgate, and thereafter when appropriate shall revise, a list of stone carvings and wall art which are pre-Columbian monumental or architectural sculpture or murals within the meaning of paragraph (3) of section 2095 of this title. Such stone carvings and wall art may be listed by type or other classification deemed appropriate by the Secretary.

(Pub. L. 92-587, title II, § 201, Oct. 27, 1972, 86 Stat. 1297.)

§ 2092. Export certification requirement

(a) Issuance by country of export

No pre-Columbian monumental or architectural sculpture or mural which is exported

¹ So in original. Probably should be “subsection (a).”

(whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title may be imported into the United States unless the government of the country of origin of such sculpture or mural issues a certificate, in a form acceptable to the Secretary, which certifies that such exportation was not in violation of the laws of that country.

(b) Procedure when certificate lacking

If the consignee of any pre-Columbian monumental or architectural sculpture or mural is unable to present to the customs officer concerned at the time of making entry of such sculpture or mural—

- (1) the certificate of the government of the country of origin required under subsection (a) of this section;
- (2) satisfactory evidence that such sculpture or mural was exported from the country of origin on or before the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title; or
- (3) satisfactory evidence that such sculpture or mural is not covered by the list promulgated under section 2091 of this title;

the customs officer concerned shall take the sculpture or mural into customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within the 90-day period after the date on which such sculpture or mural is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such sculpture or mural into the United States is in violation of this chapter.

(Pub. L. 92-587, title II, §202, Oct. 27, 1972, 86 Stat. 1297.)

Editorial Notes

CODIFICATION

References to section 202 of Pub. L. 92-587 in the original were translated as section 2091 of this title in the classification of Pub. L. 92-587 as the probable intent of Congress.

§ 2093. Forfeiture of unlawful imports

(a) Seizure

Any pre-Columbian monumental or architectural sculpture or mural imported into the United States in violation of this chapter shall be seized and subject to forfeiture under the customs laws.

(b) Disposition of articles

Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall—

- (1) first be offered for return to the country of origin and shall be returned if that country bears all expenses incurred incident to such return and complies with such other requirements relating to the return as the Secretary shall prescribe; or
- (2) if not returned to the country of origin, be disposed of in the manner prescribed by law

for articles forfeited for violation of the customs laws.

(Pub. L. 92-587, title II, §203, Oct. 27, 1972, 86 Stat. 1297.)

§ 2094. Rules and regulations

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

(Pub. L. 92-587, title II, §204, Oct. 27, 1972, 86 Stat. 1297.)

§ 2095. Definitions

For the purposes of this chapter—

- (1) The term “Secretary” means the Secretary of the Treasury.
- (2) The term “United States” includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico.
- (3) The term “pre-Columbian monumental or architectural sculpture or mural” means—
 - (A) any stone carving or wall art which—
 - (i) is the product of a pre-Columbian Indian culture of Mexico, Central America, South America, or the Caribbean Islands;
 - (ii) was an immobile monument or architectural structure or was a part of, or affixed to, any such monument or structure; and
 - (iii) is subject to export control by the country of origin; or
 - (B) any fragment or part of any stone carving or wall art described in subparagraph (A) of this paragraph.
- (4) The term “country of origin”, as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where such sculpture or mural was first discovered.

(Pub. L. 92-587, title II, §205, Oct. 27, 1972, 86 Stat. 1297.)

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