Public Law 97-446
97th Congress

An Act

To reduce certain duties, to suspend temporarily certain duties, to extend certain existing suspensions of duties, and for other purposes.

Jan. 12, 1983
[H.R. 4566]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tariff Schedules, temporary duty suspensions.

TITLE I—TARIFF PROVISIONS

SUBTITLE A—IN GENERAL

SEC. 101. AMENDMENT OF TARIFF SCHEDULES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, an item or other provision, the reference shall be considered to be made to an item or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202).

SEC. 102. CANNED TUNA.

Item 112.30 is amended—

(1) by inserting "and not the product of any insular possession of the United States," immediately after "15 pounds each,"; and

(2) by striking out "United States Fish and Wildlife Service" and inserting in lieu thereof "National Marine Fisheries Service".

SEC. 103. FURS FROM CHINA.

Headnote 4 to subpart B of part 5 of schedule 1 is amended by striking out "or of the People's Republic of China". 19 USC 1202 note.

SEC. 104. LIMITATION ON IMPORTS OF SEED POTATOES.

The superior heading to items 137.20 and 137.21 is amended by inserting ", and imported for use as seed" after "tags".

SEC. 105. CLASSIFICATION OF CERTAIN FABRICS.

Subpart A of part 4 of schedule 3 is amended—

(1) by amending the superior heading to items 346.05 through 346.65 to read as follows:

"		Fabrics of pile construction, in which pile threads were inserted or knotted during the weaving or knitting, whether or not the pile threads cover the entire surface and whether the pile threads are wholly or partly cut or are not cut:				":

(2) by amending the superior heading for items 346.05 and 346.10 to read as follows:

"		Fabric of corduroy construction, whether or not the filling floats are cut:				":

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

and

(3) by amending the superior heading for items 346.15 through 346.24 to read as follows:

"		Fabric of velveteen construction, whether or not the filling floats are cut:				".

SEC. 106. REDUCTION OF DUTY ON CERTAIN FOURDRINIER WIRE.

19 USC 1202 note.

(a) IN GENERAL.—Subpart B of part 3 of schedule 6 is amended by striking out item 642.30 and inserting in lieu thereof the following:

"		Fourdrinier wires, seamed or not seamed, suitable for use in papermaking machines (whether or not parts of, or fitted or attached to, such machines):				
	642.31	Of plastics	19.4% ad val.	10% ad val.	75% ad val.	
		Other:				
	642.33	With 240 or more wires to the linear inch	Free		75% ad val.	
	642.34	Other	19.4% ad val.	12% ad val.	75% ad val.	".

(b) APPLICATION WITH OTHER PROVISIONS.—

(1) The rate of duty in column numbered 1 for items 642.31 and 642.34 (as added by subsection (a)) shall be subject to any staged rate reductions for item 642.30 which were proclaimed by the President before the 15th day after the date of the enactment of this Act.

(2) Whenever the rate of duty specified in column numbered 1 for such item 642.31 or 642.34 is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in such "LDDC" column shall be deleted.

SEC. 107. REDUCTION OF DUTY ON CERTAIN CERAMIC INSULATORS.

(a) IN GENERAL.—Subpart D of part 2 of schedule 5 is amended by inserting immediately after item 535.12 the following new item:

"	535.13	Ceramic insulators to be used in the production of spark plugs for natural gas-fueled, stationary, internal combustion engines	3.6% ad val.		60% ad val.	".

(b) REPEAL.—Item 909.20 of the Appendix is repealed.

(c) PHASE-DOWN OF TEMPORARY RATE.—Effective with respect to articles entered after December 31, 1983, item 535.13 (as added by subsection (a)) is amended by striking out "3.6% ad val." and inserting in lieu thereof "3.5% ad val.".

SEC. 108. PERMANENT DUTY-FREE TREATMENT OF YANKEE DRYER CYLINDERS.

(a) IN GENERAL.—Subpart D of part 4 of schedule 6 is amended by inserting immediately after item 668.04 the following new item:

"	668.05	Yankee dryer cylinders	Free		35% ad val.	".

(b) REPEAL.—Item 912.06 of the Appendix is repealed.

SEC. 109. CERTAIN AIRCRAFT COMPONENTS AND MATERIALS.

In the case of any aircraft which—

(1) was previously exported from the United States,

(2) was composed, at the time of such exportation in part of components and materials which are products of the United States and which were installed—

(A) while such aircraft was within the United States, and

(B) after such aircraft was operational,

(3) is returned to the United States after being so exported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, and

(4) was entered for consumption before 1970,

the rate of duty provided for in item 694.40 on the date of such entry shall, notwithstanding any other provision of law, be assessed upon the full value of such aircraft less the value of such components and materials; and such entry shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be reliquidated on the basis of such assessment. For the purposes of this section, the value of any such component or material is the cost of such component or material at the time of installation in the aircraft plus the cost of such installation.

19 USC 1514.

SEC. 110. WATCHES.

(a) PRODUCTS OF INSULAR POSSESSIONS DEFINED.—Paragraph (a)(i) of headnote 3 of the General Headnotes and Rules of Interpretation is amended by striking out "(or more than 70 percent of the total value with respect to watches and watch movements)".

19 USC 1202 note.

(b) RATE OF DUTY ON WATCHES.—Headnote 6 of schedule 7, part 2, subpart E is amended—

(1) by striking out "paragraph (b)" in paragraph (a) and inserting in lieu thereof "paragraphs (b) through (h)"; and

(2) by striking out "an insular possession of the United States outside the customs territory of the United States" in paragraph (a), and inserting in lieu thereof "the Virgin Islands, Guam, and American Samoa (hereinafter referred to as the 'insular possessions')"; and

(3) by striking our paragraphs (b) through (d) and inserting in lieu thereof the following new paragraphs:

"(b) Watches and watch movements produced or manufactured in a United States insular possession which contain any foreign component may be admitted free of duty without regard to the value of the foreign materials such watches contain if they conform with the provisions of this headnote, but the total quantity of such articles entered free of duty shall not exceed the amounts established by or pursuant to paragraph (c) of this headnote.

"(c) Notwithstanding the provisions of paragraph (b) of this headnote, the provisions of this headnote and the benefits thereunder shall not apply to any article containing any material which is the product of any country with respect to which column 2 rates of duty apply.

"(d)(i) In calendar year 1983 the total quantity of such articles which may be entered free of duty shall not exceed 4,800,000 units.

"(ii) In subsequent calendar years, the Secretary of Commerce and the Secretary of the Interior (hereinafter referred to as the "Secretaries"), acting jointly, shall establish a limit on the quantity which may be entered free of duty during the calendar year, and shall consider whether such limit is in the best interest of the insular possessions and not inconsistent with domestic or international trade policy considerations. The quantity the Secretaries establish in any calendar year under this paragraph shall not—

Limitations.

"(I) exceed 10,000,000 units, or one-ninth of apparent domestic consumption (as determined by the International Trade Com-

mission pursuant to paragraph (d) of this headnote), whichever is greater;

"(II) be decreased by more than 10 percent of the quantity established for the immediately preceding calendar year; and

"(III) be increased to more than 7,000,000 units, or by more than 20 percent of the quantity established for the immediately preceding calendar year, whichever is greater.

Publication in Federal Register.

"(e) On or before April 1 of each calendar year (beginning with the first year in which watch imports from the United States insular possessions exceed 9,000,000 units), the International Trade Commission shall determine the apparent United States consumption of watches and watch movements (including solid state timepieces) during the preceding calendar year, shall report such determination to the Secretaries, and shall publish such determination in the Federal Register.

"(f)(i) In calendar year 1983, not more than 3,000,000 units of the total quantity of articles described in paragraph (d) which may be entered free of duty shall be the product of the Virgin Islands, not more than 1,200,000 units shall be the product of Guam, and not more than 600,000 units shall be the product of American Samoa.

Territorial shares.

"(ii) For calendar year 1984 and thereafter, the Secretaries may establish new territorial shares of the total amount which may be entered free of duty, taking into account the capacity of each territory to produce and ship its assigned amounts. A territory's share in any year shall not be reduced—

"(I) by more than 200,000 units in calendar year 1984 or 1985, and

"(II) by more than 500,000 units in calendar year 1986 or thereafter, except that no territorial share shall be established at less than 500,000 units.

Allocations.

"(g) The Secretaries, acting jointly, shall allocate the calendar year duty exemptions provided by paragraphs (b), (d), and (f) of this headnote on a fair and equitable basis among producers located in the insular possessions, and shall issue appropriate licenses therefor. Allocations made by the Secretaries shall be final. In making the allocations, the Secretaries shall consider the potential impact of territorial production on domestic production of like articles and shall establish allocation criteria (including minimum assembly requirements) that will reasonably maximize the net amount of direct economic benefits to the insular possessions.

"(h)(i) In the case of each calendar year beginning after December 31, 1982, and before January 1, 1995, the Secretaries, acting jointly, shall—

"(I) verify the wages paid by each producer to permanent residents of the insular possessions during the preceding calendar year, and

"(II) issue to each producer (not later than March 1 of such year) a certificate for the applicable amount.

"(ii) For purposes of subparagraph (i), except as provided in subparagraphs (iii) and (iv), the term 'applicable amount' means an amount equal to the sum of—

"(I) 90 percent of the producer's creditable wages on the assembly during the preceding calendar year of the first 300,000 units, plus

"(II) the applicable graduated declining percentage (determined each year by the Secretaries) of the producer's creditable

wages on the assembly during the preceding calendar year of units in excess of 300,000 but not in excess of 750,000.

"(iii) The aggregate amount of all certificates which are issued during any calendar year shall not exceed an amount which bears the same ratio to $5,000,000 as— Certificates.

"(I) the gross national product of the United States (as determined by the Secretary of Commerce) for the preceding calendar year, bears to—

"(II) the gross national product of the United States (as so determined) for 1982.

"(iv) (I) Subject to the provision of clause (II), if the amount of the certificates issued under subparagraph (i) would exceed the limit under subparagraph (iii), the applicable amount of each producer's certificate shall be reduced proportionately by the amount of such excess.

"(II) The applicable amount of any producer's certificate shall not be reduced below the amount determined under subparagraph (ii)(I), except that if the application of this clause would result in the aggregate amount of the certificates exceeding the limit under subparagraph (iii), the applicable amount of each producer's certificate shall again be reduced proportionately by the amount of the excess determined after application of this clause.

"(v) Any certificate issued under subparagraph (i) shall entitle the certificate holder to secure the refund of duties equal to the face value of the certificate on watches, watch movements (including solid state timepieces) and, with the exception of discrete cases, parts therefor imported into the customs territory of the United States by the certificate holder. Such refunds shall be made under regulations issued by the Treasury Department. Not more than 5 percent of such refunds may be retained as a reimbursement to the Customs Service for the administrative costs of making the refunds. Refund.

"(vi) Any certificate issued under subparagraph (i), or any portion thereof, shall be negotiable.

"(vii) Any certificate issued under subparagraph (i) shall expire 1 year from the date of issuance and may be applied against duties on imports of watches and watch movements the entry of which were made within 2 years prior to the date of issuance of the certificate. Expiration of certificate.

"(viii) For purposes of determining the applicable amount of any producer's certificate to be issued during calendar year 1983, the greater of—

"(I) the producer's creditable wages for calendar year 1982, or

"(II) 60 percent of the producer's creditable wages for calendar year 1981,

shall be considered the creditable wages for calendar year 1982.

"(i) The Secretaries are authorized to issue such regulations, not inconsistent with the provisions of this headnote, as they determine necessary to carry out their respective duties under this headnote. Such regulations shall include minimum assembly requirements. Any duty-free entry determined not to have been made in accordance with applicable regulations shall be subject to the applicable civil remedies and criminal sanctions, and, in addition, the Secretaries may cancel or restrict the license or certificate of any manufacturer found in willful violation of the regulations.". Regulations.

SEC. 111. PIPE ORGAN PARTS.

Items 726.60 and 726.62 are amended to read as follows: 19 USC 1202 note.

"	726.60	Player actions and parts thereof	Free	60% ad val.	"
	726.62	Other	Free	35% ad val.	

SEC. 112. ELIMINATION OF DUTY ON TOY TEA SETS.

19 USC 1202 note.

Subpart E of part 5 of schedule 7 is amended by inserting immediately after item 737.70 the following new item:

"	737.73	Toy tea sets of ceramic ware made to the approximate scale of 1 to 10 or larger	Free		70% ad val.	"

SEC. 113. CLASSIFICATION OF DOLLS AND TOY FIGURES.

(a) IN GENERAL.—Subpart E of part 5 of schedule 7 is amended—

(1) by adding at the end of the headnotes thereto the following new headnotes:

"3. For the purposes of the superior heading to items 737.47 and 737.49 and of item 737.51, 'toy figures of inanimate objects' are only imaginary creatures that either—

"(i) do not possess features of human or other earthly creatures;

"(ii) possess both earthly and non-earthly features but are predominantly non-earthly in nature; or

"(iii) possess features which are a hybrid of features of more then one animate object.

This definition does not cover toy figures of objects which are readily recognizable as vegetables, minerals, robots, or machines, whether or not such figures possess humanoid or earthly features.

"4. Items 737.23, 737.28, 737.30, and 737.47 do not include any doll or toy that either—

"(i) will maintain the three dimensional shape of its torso if the stuffing or filler is removed, or

"(ii) is constructed such that the 'filler' material consists of one piece (such as one piece of foam rubber) or more than one piece that achieves the same effect as one piece.

"5. For the purposes of items 737.26 and 737.51, 'skins' are the outer coverings or shells of those dolls or toy figures which, if imported stuffed or filled, would be classified in items 737.23, 737.28, 737.30, and 737.47, but do not contain stuffing or filling in the torso when imported.

"6. For the purposes of item 737.47, the term 'filled' includes toy figures which are not completely filled or are filled with materials such as plastic beads or crushed nutshells but which otherwise possess the characteristics of toy figures classifiable as 'stuffed'.";

(2) by redesignating items 737.45 and 737.50 as 737.42 and 737.43, respectively; and

(3) by adding in numerical sequence the following new items:

"		Toy figures of inanimate objects, not having a spring mechanism:				
	737.47	Stuffed or filled	13.6% ad val.	7% ad val.	70% ad val.	
	731.49	Other	13.6% ad val.	7% ad val.	70% ad val.	
	737.51	Skins for toy figures of animate or inanimate objects	13.6% ad val.	7% ad val.	70% ad val.	"

(b) APPLICATION WITH OTHER PROVISIONS.—

(1) The rates of duty in column numbered 1 for items 737.47, 737.49, and 737.51 (as added by subsection (a)(3)) shall be subject to any staged rate reductions for item 737.95 which are proclaimed by the President before the 15th day after the date of the enactment of this Act.

(2) Whenever the rate of duty specified in column numbered 1 for each of such items 737.47, 737.49, and 737.51 is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower rate, the rate of duty in such "LDDC" column shall be deleted.

SEC. 114. ELIMINATION OF DUTY ON CASEIN BLANKS.

(a) IN GENERAL.—Subpart A of part 7 of schedule 7 is amended— 19 USC 1202 note.

(1) by striking out "(item 745.40)" in headnote 2(b) of such subpart and inserting in lieu thereof "in the superior heading to items 745.41 and 745.42"; and

(2) by striking out item 745.40 and inserting in lieu thereof the following:

"

	Button blanks and molds, and parts of buttons:				
745.41	Button blanks of casein	Free		45% ad val.	
745.42	Other	22.1% ad val.	11.4% ad val.	45% ad val.	".

(b) APPLICATION WITH OTHER PROVISIONS.—

(1) The rate of duty in column numbered 1 for item 745.42 of the Tariff Schedules of the United States (19 U.S.C. 1202) (as added by subsection (a)(2)) shall be subject to any staged rate reductions for item 745.40 which were proclaimed by the President before the 15th day after the date of the enactment of this Act.

(2) Whenever the rate of duty specified in the column numbered 1 for such item 745.42 is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in the column entitled "LDDC" shall be deleted from such Schedules.

(3) For purposes of the Trade Act of 1974, the amendments made by this section (not including the rates of duty in column numbered 2 of such Schedules) shall be considered to be trade agreement obligations entered into and proclaimed under the Trade Act of 1974 of benefit to foreign countries or instrumentalities. 19 USC 2101.

SEC. 115. INCREASE IN VALUE LIMITATIONS FOR DUTY-FREE IMPORTATIONS OF PERSONAL ARTICLES BY RETURNING UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subpart A of part 2 of schedule 8 is amended—

(1) by striking out "$300" in item 813.30 and inserting in lieu thereof "$400"; and

(2) by striking out "$600" and "$300" in item 813.31 and inserting in lieu thereof "$800" and "$400", respectively.

(b) AMENDMENTS TO TARIFF ACT OF 1930.—Section 321(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1321 (a)(2)(A)) is amended by striking out "$25" and "$40" and inserting in lieu thereof "$50" and "$100", respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to returning residents of the United States who arrive in the United States on or after the 15th day after the date of the enactment of this Act. 19 USC 1321 note.

SEC. 116. MATERIALS CERTIFIED BY NASA.

(a) IN GENERAL.—Subpart A of part 3 of schedule 8 is amended—

(1) by inserting immediately after "Subpart A—United States Government" the following headnote:

"Subpart A headnote:

"1. With respect to item 837.00, the return of materials from space by the National Aeronautics and Space Administration shall not be considered an importation, and an entry of such materials shall not be required."; and

(2) by adding immediately after item 836.00 the following new item:

"	837.00	Articles for the National Aeronautics and Space Administration and articles imported to be launched into space under launch services agreements with the National Aeronautics and Space Administration: Materials certified by it to the Commissioner of Customs to be imported to be launched into space, spare parts, or necessary and uniquely associated support equipment for use in connection with a launch into space	Free	Free ".

(b) TERMINATION.—Item 837.00 (as added by subsection (a)) shall not apply to articles entered, or withdrawn from warehouse for consumption, after December 31, 1994.

SEC. 117. PRAYER SHAWLS.

19 USC 1202 note.

Part 4 schedule 8 is amended—

(1) by striking out "and 854.20," in headnote 1 to such part and inserting in lieu thereof "854.20, and 854.30,"; and

(2) by inserting after item, 854.20 the following new item:

"	854.30	Prayer shawls, bags for the keeping of prayer shawls, and headwear of a kind used for public or private religious observances, whether or not any of the foregoing is imported for the use of a religious institution	Free	Free ".

SEC. 118. INCREASE IN VALUE LIMITATIONS APPLICABLE TO INFORMAL ENTRIES OF IMPORTED MERCHANDISE.

The article description immediately preceding item 869.00 is amended by striking out "$600" and inserting in lieu thereof "$1,000".

SEC. 119. CERTAIN METAL WASTE AND SCRAP.

(a) IN GENERAL.—Part 7 of schedule 8 is amended—

(1) by inserting the following new headnote immediately after headnote 2 to such part:

"3. (a) Items 870.50 and 870.55 shall not apply when the market price of copper is under 51 cents per pound.

"(b) For purposes of subparagraph (a), the market price of copper has the meaning assigned to it by headnote 5(b) of the headnotes to schedule 6, part 2, subpart C.

"(c) For purposes of subparagraph (a), the market price of copper shall be considered to be under 51 cents per pound only on and after the twentieth day after the date of a report by the United States International Trade Commission to the Secretary of the Treasury that it has determined that the market price has been under 51 cents per pound for one calendar month. After any such report, the market price shall be considered as not being under 51 cents per

pound only on and after the twentieth day after the date of a report by the Commission to the Secretary that it has determined that the market price has been 51 cents or more per pound for one calendar month.

"(d) Determinations by the Commission under this headnote shall be made in the manner prescribed by headnote 5(c) to schedule 6, part 2, subpart C."; and

(2) by inserting immediately after item 870.45 the following: 19 USC 1202 note.

			Rates of Duty		
			1-a	1-b	2
"		Metal waste and scrap (provided for in part 2, schedule 6), except lead, zinc, and tungsten waste and scrap; unwrought metal including remelt scrap ingot (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (a) which are defective or damaged, or have been produced from melted down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying, and (b) which cannot be commercially used without remanufacture; relaying or rerolling rails; and articles of metal (except articles of lead, of zinc, or of tungsten, and not including metal-bearing materials provided for in schedule 4 or in part 1 of schedule 6 and not including unwrought metal provided for in part 2 of schedule 6) to be used in remanufacture by melting or to be processed by shredding, shearing, compacting, or similar processing which renders them fit only for the recovery of the metal content:			
870.50		Copper waste and scrap	Free	The column 1-b rate applicable in the absence of this item	The column 2 rate applicable in the absence of this item
870.55		Articles of copper	Free	The column 1-b rate applicable in the absence of this item	The column 2 rate applicable in the absence of this item

			Rates of Duty	
			1	2
870.60		Other	Free	Free ".

(b) CONFORMING AMENDMENT.—Headnote 5(a) to subpart C of part 2 of schedule 6 is amended by inserting "and for items 870.50 and 870.55," immediately after "In this subpart,".

(c) REPEALS.—Subpart B of part 1 of the Appendix is amended—

(1) by striking out "911.10, 911.11," in headnote 3(a) to such subpart; and

(2) by striking items 911.10, 911.11, and 911.12 and the superior heading to such items.

SEC. 120. TEMPORARY SUSPENSION OF DUTY ON CERTAIN BULK FRESH CARROTS.

Subpart B of part 1 of the Appendix is amended—

(1) by striking out headnote 2 and inserting in lieu thereof the following:

"2. For purposes of item 903.25—

"(a) the term 'culled carrots' refers to those carrots which fail to meet the requirements of the United States Department of Agriculture for carrots of grades 'U.S. No. 1' or 'U.S. No. 2' (See 7 CFR sections 2851.4141 and 2851.4142); and

"(b) the total quantity of carrots which may be entered under item 903.25 during the period specified in that item shall not exceed 20,000 tons."; and

(2) by inserting in numerical sequence the following new item:

"	903.25	Culled carrots, fresh or chilled in immediate containers each holding more than 100 pounds (provided for in item 135.42, part 8d, schedule 1) if entered for consumption during the period from August 15 in any year, to the 15th day of the following February inclusive	Free	No change	On or before 12/31/84	".

SEC. 121. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON CERTAIN RED PEPPERS.

19 USC 1202 note.

Item 903.60 of subpart B of part 1 of the Appendix is amended by striking out "6/30/81" and inserting in lieu thereof "6/30/85".

SEC. 122. TEMPORARY SUSPENSION OF DUTY ON CANTALOUPES.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	903.65	Cantaloupes, fresh, if entered during the period from January 1 to May 15, inclusive of any year (provided for in items 148.12 and 148.17 part 9B, schedule 1)	Free	No change	On or before 5/15/85	".

SEC. 123. TEMPORARY SUSPENSION OF DUTY ON CAROB FLOUR.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	903.69	Carob flour (provided for in item 152.05, part 9C, schedule 1)	Free	No change	On or before 12/31/84	".

SEC. 124. TEMPORARY SUSPENSION OF DUTY ON HATTERS' FUR.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	903.85	Fur, not on the skin, prepared for hatters' use (provided for in item 186.20)	Free	No change	On or before 12/31/85	".

SEC. 125. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON WOOD EXCELSIOR.

Item 904.00 of the Appendix is amended by striking out "6/30/81" and inserting in lieu thereof "6/30/83".

SEC. 126. TEMPORARY SUSPENSION OF DUTY ON NEEDLECRAFT DISPLAY MODELS.

Subpart B of part 1 of the Appendix is amended as follows: 19 USC 1202 note.

(1) The headnotes to such subpart are amended by adding at the end thereof the following new headnote:

"5. For the purposes of the superior heading to items 906.10 and 906.12, the term 'mass-produced kits' includes only those which are designed to be sold in the customs territory of the United States exclusively in kit form.".

(2) The following new superior heading and new items are inserted in numerical sequence:

"		Needle-craft display models, primarily hand stitched, of completed mass-produced kits:				
	906.10	Articles provided for in items 355.16, 360.70, 360.78, 364.18, 364.23, 364.30, 365.78, 365.84 365.86, 366.79, 367.34, 367.55, 367.60, 386.04, 386.06, 386.09, 386.50, 388.40, and 389.62 of schedule 3 (except shoe uppers and tents)	Free	No change	On or before 6/30/85	
	906.12	Aprons and baby bibs (provided for in items 383.03, 383.08, 383.20, and 383.50 of schedule 3)	Free	No change	On or before 6/30/85	".

SEC. 127. TEMPORARY SUSPENSION OF DUTY ON P-HYDROXYBENZOIC ACID.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.00	P-Hydroxybenzoic Acid (provided for in item 404.44, part 1, schedule 4)	Free	No change	On or before 9/30/85	".

SEC. 128. TEMPORARY SUSPENSION OF DUTY ON TRIPHENYL PHOSPHATE

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.01	Triphenyl phosphate (provided for in item 404.48, part 1B, schedule 4)	Free	No change	On or before 9/30/85	".

SEC. 129. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON BIS (4-AMINOBENZOATE)-1,3 PROPANEDIOL (TRIMETHYLENE GLYCOL DI-P-AMINOBENZOATE).

Item 907.05 of the Appendix is amended—

(1) by striking out "however provided for in items 402.36 through 406.63" and inserting in lieu thereof "provided for in item 405.07"; and

(2) by striking out "6/30/83" and inserting in lieu thereof "6/30/84".

SEC. 130. TEMPORARY SUSPENSION OF DUTY ON 4-CHLORO-3-METHYL-PHENOL.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.08	4-chloro-3-methylphenol (CAS No. 59-50-7) (provided for in item 403.56, part 1B, schedule 4)	Free	No change	On or before 6/30/84	"

SEC. 131. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON CERTAIN PHOTOGRAPHIC COUPLERS.

19 USC 1202 note.

Items 907.10 and 907.12 of the Appendix are amended by striking out "6/30/82" and inserting in lieu thereof "9/30/85".

SEC. 132. TEMPORARY SUSPENSION OF DUTY ON ETHYLBIPHENYL.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.14	Mixtures of 3-ethylbiphenyl (methylbiphenyl) and 4-ethylbiphenyl (P-ethylbiphenyl) (provided for in item 407.16, part 1B, schedule 4)	Free	No change	On or before 6/30/85	"

SEC. 133. TEMPORARY REDUCTION OF DUTY ON DICOFOL.

(a) IN GENERAL.—Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.15	1,1-Bis (4-Chlorophenyl)-2,2,2,-trichloroethanol (Dicofol) (provided for in item 408.28, part 1C, schedule 4)	10.3% ad val.	7¢ per lb.+41% ad val.	On or before 9/30/85	"

(b) PHASE-DOWN OF TEMPORARY RATE.—Effective with respect to articles provided for in item 907.15 (as added by subsection (a)) that are entered, or withdrawn from warehouse for consumption, on and after each of the dates set forth below, column 1 for such item is amended by striking out the rate of duty in effect on the day before such date and inserting in lieu thereof the rate of duty appearing below next to each such date:

Date:	Rate of duty:
January 1, 1984	9.5% ad val.
January 1, 1985	8.6% ad val.

(c) SPECIAL RATE FOR LEAST DEVELOPED DEVELOPING COUNTRIES.—The rate of duty on an article provided for in such item 907.15 that is—

(1) entered, or withdrawn from warehouse for consumption on or after the effective date of the amendment made by subsection (a) and before October 1, 1985; and

(2) a product of a least developed developing country;

shall be 6.9 percent ad valorem.

(d) RETROACTIVE PROVISION.—In the case of the application of the amendments made by this section to any entry—

(1) which was made before the 15th day after the date of the enactment of this Act;

(2) which was unliquidated, or the liquidation of which was not final, on such day; and

(3) with respect to which there would have been less duty if the amendments made by this section applied to such entry;

such entry shall be liquidated as though such entry had been made on such 15th day.

SEC. 134. TEMPORARY SUSPENSION OF DUTY ON UNCOMPOUNDED ALLYL RESINS.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item: 19 USC 1202 note.

"	907.16	Allyl resins, uncompounded (provided for in item 408.96, part 1C, schedule 4)	Free	No change	On or before 9/30/84	".

SEC. 135. TEMPORARY SUSPENSION OF DUTY ON SULFAPYRIDINE.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.17	Sulfapyridine (provided for in item 411.28, part 1C, schedule 4)	Free	Free	On or before 12/31/85	".

SEC. 136. TEMPORARY REDUCTION OF DUTY ON SULFATHIAZOLE.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.19	Sulfathiazole (provided for in item 411.80)	13.3% ad val.	7¢ per lb. + 80% ad val.	On or before 12/31/83	".

(b) During such time as item 907.22 (as added by subsection (a)) is in effect, the rate of duty on sulfathiazole that is a product of a least developed developing country shall be 8 percent ad valorem.

(c) (1) With respect to articles entered after December 31, 1983, and before January 1, 1985, item 907.22 is amended by striking out "13.3% ad val." and inserting in lieu thereof "11.9% ad val.", and by striking out "12/31/83" and inserting in lieu thereof "12/31/84".

(2) With respect to articles entered after December 31, 1984, and before January 1, 1986, item 907.22 is amended by striking out "11.9% ad val." and inserting in lieu thereof "10.6% ad val.", and by striking out "12/31/84" and inserting in lieu thereof "12/31/85".

SEC. 137. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON DOXORUBICIN HYDROCHLORIDE.

Item 907.20 of the Appendix is amended by striking out "6/30/82" and inserting in lieu thereof "6/30/88".

SEC. 138. TEMPORARY REDUCTION OF DUTY ON CAFFEINE.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.22	Caffeine (provided for in item 437.02, part 3B, schedule 4)	6% ad val.	No change	On or before 12/31/83	".

SEC. 139. TEMPORARY SUSPENSION OF DUTY ON TARTARIC ACID AND CERTAIN TARTARIC CHEMICALS.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following items:

"	907.65	Tartaric acid (provided for in item 425.94, part 2D, schedule 4)	Free	No change	On or before 6/30/84
	907.66	Potassium salts: Antimony tartrate (tartar emetic) (provided for in item 426.72, part 2D, schedule 4)	Free	No change	On or before 6/30/84
	907.68	Cream of tartar (provided for in item 426.76, part 2D, schedule 4)	Free	No change	On or before 6/30/84
	907.69	Sodium tartrate (Rochelle salts) (provided for in item 426.82, part 2D, schedule 4)	Free	No change	On or before 6/30/84 ".

SEC. 140. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON NATURAL GRAPHITE.

19 USC 1202 note.

Item 909.01 of the Appendix is amended by striking out "6/30/81" and inserting in lieu thereof "12/31/84".

SEC. 141. TEMPORARY SUSPENSION OF DUTY ON COPPER SCALE.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	911.05	Copper scale (provided for in item 603.70, part 1, schedule 6)	Free	No change	On or before 12/31/85 ".

SEC. 142. CHIPPER KNIFE STEEL.

Item 911.29 is amended—

(1) effective with respect to articles entered on or after October 1, 1982, and before January 1, 1983, by striking out "4.6% ad val." and inserting in lieu thereof "4.4% ad val.", and by striking out "9/30/82" and inserting in lieu thereof "12/31/82";

(2) effective with respect to articles entered after December 31, 1982, and before January 1, 1984, by striking out "4.4% ad val." and inserting in lieu thereof "4.2% ad val.", and by striking out "12/31/82" and inserting in lieu thereof "12/31/83";

(3) effective with respect to articles entered after December 31, 1983, and before January 1, 1985, by striking out "4.2% ad val." and inserting in lieu thereof "4.0% ad val.", and by striking out "12/31/83" and inserting in lieu thereof "12/31/84"; and

(4) effective with respect to articles entered after December 31, 1984, and before April 1, 1985, by striking out "4.0% ad val." and inserting in lieu thereof "3.9% ad val.", and by striking out "12/31/84" and inserting in lieu thereof "3/31/85".

SEC. 143. TEMPORARY SUSPENSION OF DUTY ON CERTAIN FREIGHT CONTAINERS.

Subpart B of part I of the Appendix is amended by inserting in numerical sequence the following new item:

"	911.80	Freight containers specially designed and equipped to facilitate the carriage of goods by one or more modes of transport without intermediate reloading, each having a gross mass rating of at least 40,000 pounds (provided for in item 640.30, part 3A, schedule 6)	Free	No change	On or before 12/31/86 ".

SEC. 144. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON COBALT.

Item 911.90 of the Appendix is amended by striking out "6/30/82" and inserting in lieu thereof "6/30/83". 19 USC 1202 note.

SEC. 145. TEMPORARY SUSPENSION OF DUTY ON CERTAIN CLOCK RADIOS.

Subpart B of part 1 of the Appendix is amended—

(1) by adding at the end of the headnotes to such subpart the following new headnote:

"6. For the purposes of item 911.95, the term 'entertainment broadcast band receivers' means receivers designed principally to receive signals in the AM (530-1710 KHz) and FM (88-108 MHz) entertainment broadcast bands, whether or not capable of receiving signals on other bands such as aviation, television, marine, public safety, industrial, and citizens bands."; and

(2) by inserting in numerical sequence the following new item:

"	911.95	Entertainment broadcast band receivers valued not over $40 each (however provided for in schedule 6), incorporating timekeeping or time display devices, not in combination with any other article, and not designed for motor vehicle installation	Free	No change	On or before 9/30/84	".

SEC. 146. EXTENSION OF TEMPORARY SUSPENSION OF DUTY ON BICYCLE PARTS.

(a) GENERATOR LIGHTING SETS.—Item 912.05 of the Appendix is amended by striking out "6/30/83" and inserting in lieu thereof "6/30/86".

(b) OTHER PARTS.—Item 912.10 of the Appendix is amended—

(1) by deleting "click stick levers," and inserting in lieu thereof "trigger and twist grip controls for three-speed hubs,";

(2) by inserting "including cable or inner wire for caliper brakes and casing therefor, whether or not cut to length," immediately after "parts of all the foregoing,"; and

(3) by striking out "6/30/83" and inserting in lieu thereof "6/30/86".

SEC. 147. TEMPORARY SUSPENSION OF DUTY ON HEAT-SET, STRETCH TEXTURING MACHINES.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	912.07	Machines designed for heat-set, stretch texturing of continuous man-made fibers (provided for in item 670.06, part 4E, schedule 6)	Free	No change	On or before 12/31/85	".

SEC. 148. TEMPORARY SUSPENSION OF DUTY ON HOSIERY KNITTING MACHINES.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	912.08	Single cylinder fine gauge hosiery knitting machines and double cylinder jacquard hosiery knitting machines (provided for in items 670.16 and 670.18, part 4E, schedule 6)	Free	No change	On or before 9/30/85	".

19 USC 1202 note.

SEC. 149. TEMPORARY SUSPENSION OF DUTY ON DOUBLE-HEADED LATCH NEEDLES.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	912.09	Double-headed latch needles (provided for in item 670.58, part 4E, schedule 6)	Free	No change	On or before 6/30/85	".

SEC. 150. TEMPORARY SUSPENSION OF DUTY ON PROSTHESES.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	912.15	Externally-powered electric prosthetic devices for amputees (provided for in item 709.57, part 2B, schedule 7), and parts thereof	Free	No change	On or before 9/30/84	".

SEC. 151. TEMPORARY SUSPENSION OF DUTY ON SMALL TOYS.

Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	912.20	Articles provided for in parts 5D and 5E of schedule 7 (except balloons, marbles, dice, and diecast vehicles), valued not over five cents per unit; and jewelry provided for in part 6A of schedule 7 (except parts), valued not over 1.6 cents per piece	Free	No change	On or before 12/31/86	".

SEC. 152. TEMPORARY SUSPENSION OF DUTY ON CERTAIN DOLLS AND TOY FIGURES.

Subpart B of part 1 of the Appendix is amended by inserting at the end thereof the following new items:

"	912.30	Stuffed dolls (with or without clothing) and doll skins for stuffed dolls (provided for respectively in items 737.21, 737.23 and 737.26, part 5E, schedule 7)	Free	No change	On or before 12/31/85	
	912.34	Stuffed or filled toy figures of inanimate objects not having a spring mechanism (provided for in item 737.47, part 5E, schedule 7)	Free	No change	On or before 12/31/85	
	912.36	Skins for stuffed toy figures of animate and inanimate objects (provided for in item 737.51, part 5E, schedule 7)	Free	No change	On or before 12/31/85	".

SEC. 153. 2-YEAR EXTENSION OF THE INTERNATIONAL SUGAR AGREEMENT.

Section 2 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96-236; 7 U.S.C. 3602) is amended by striking out "1983" and inserting in lieu thereof "1985".

SEC. 154. 1-YEAR EXTENSION OF THE INTERNATIONAL COFFEE AGREEMENT.

Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k) is amended by striking out "the expiration of this joint resolution" and inserting in lieu thereof "October 1, 1983". *Ante*, p. 1204.

SEC. 155. UPLAND COTTON.

Section 103(f)(3) of the Agricultural Act of 1949 (7 U.S.C. 1444(f)(3)) shall be effective for the 1982 through 1985 crops of upland cotton amended to read as follows:

"(3) Notwithstanding any other provision of law, any upland cotton described in items 955.01 through 955.03 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) imported into the United States during the period of time when a special quota established under this subsection is in effect shall be deemed to be an import under such special quota until the special quota is filled and any such cotton shall be free of duty.".

SEC. 156. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) and sections 109, 115, and 133, the amendments made by this subtitle shall apply to articles entered on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICATION.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the application of the amendments made by this Act to the entry of any article described in paragraph (2) shall be treated as provided in such paragraph. 19 USC 1514.

(2) APPLICABLE SECTIONS.—In the case of the application of the amendment made by section 102, 107, 108, 119, 121, 125, 131, 137, 139, 140, 142, or 144 to any entry—

(A) which was made after the applicable date and before the 15th day after the date of the enactment of this Act; and

(B) with respect which there would have been do duty or a lesser duty if the amendment made by such section applied to such entry;

such entry shall be liquidated or reliquidated as though such entry had been made on the 15th day after the date of the enactment of this Act.

(3) APPLICABLE DATE.—For purposes of paragraph (2), the term "applicable date" means—

(A) in the case of section 139, June 30, 1980;

(B) in the case of section 102, March 31, 1981;

(C) in the case of sections 107, 119, 121, 125, and 140, June 30, 1981;

(D) in the case of section 108, December 31, 1981;

(E) in the case of sections 131, 137, and 144, June 30, 1982; and

(F) in the case of section 142, September 30, 1982.

(c) DEFINITIONS.—For purposes of this subtitle—

(1) the term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States; and

(2) the term "entry" includes any withdrawal from warehouse for consumption.

Educational, Scientific, and Cultural Materials Importation Act of 1982.

SUBTITLE B—IMPLEMENTATION OF NAIROBI PROTOCOL

SEC. 161. SHORT TITLE, ETC.

(a) SHORT TITLE.—This subtitle may be cited as the "Educational, Scientific, and Cultural Materials Importation Act of 1982".

(b) PURPOSE.—The purpose of this subtitle is to enable the United States to give effect to the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials (opened for signature on March 1, 1977) with a view to contributing to the cause of peace through freer exchange of ideas and knowledge across national boundaries.

SEC. 162. BOOKS, PUBLICATIONS, AND DOCUMENTS.

19 USC 1202 note.

Part 5 of schedule 2 is amended—

(1) by inserting, in numerical sequence, the following new item:

"	270.90	Catalogs of films, recordings or other visual and auditory material of an educational, scientific, or cultural character	Free		Free	";

(2) by striking out items 273.45 through 273.55, and the superior heading thereto, and inserting in lieu thereof the following:

"	273.52	Architectural engineering, industrial, or commercial drawings and plans, whether originals or reproductions	Free		Free	";

and

(3) by inserting immediately below the phrase "Printed not over 20 years at time of importation:" and above (and at the same hierarchical level as) "Lithographs on paper:" the following new item:

"	274.55	Loose illustrations, reproduction proofs or reproduction films used for the production of books	Free		Free	".

SEC. 163. VISUAL AND AUDITORY MATERIALS.

(a) PHOTOGRAPHIC FILM.—Part 5 of schedule 2 is amended—

(1) by inserting the phrase "(including developed photographic film; photographic slides; transparencies; holograms for laser projection; and microfilm, microfiche, and similar articles)" immediately after "Photographs" in the superior heading to items 274.50 through 274.70, and

(2) by adding, in numerical sequence, the following new item:

"	274.67	Developed photographic film; photographic slides; transparencies; holograms for laser projection; and microfilm, microfiche, and similar articles	Free		Free	".

(b) MOTION PICTURE FILMS.—Subpart G of part 2 of schedule 7 is amended—

(1) by striking out "724.05 and 724.10" in headnote 1 and inserting in lieu thereof "724.07 and 724.22",

(2) by striking out headnote 2,

(3) by striking out items 724.05 and 724.10, and the superior heading thereto, and inserting in lieu thereof the following:

"	724.07	Motion-picture films in any form on which pictures, or sound and pictures, have been recorded, whether or not developed	Free	Free	",

(4) by striking out items 724.15 through 724.40 and inserting in lieu thereof the following new item:

"	724.22	Sound recordings, combination sound and visual recordings, and magnetic recordings not provided for in the foregoing provisions of this subpart	Free	Free	",

and

(5) by striking out the rates of duty appearing in rate columns 1, LDDC, and 2 for item 724.12 and inserting "Free" in rate columns numbered 1 and 2.

(c) PATTERNS, MODELS, ETC.—Part 7 of schedule 8 is amended— 19 USC 1202 note.

(1) by striking out headnote 1 and redesignating headnote 2 as headnote 1,

(2) by striking out item 870.30, and

(3) by inserting, in numerical sequence, the following new item:

"	870.35	Patterns, models (except toy models) and wall charts of an educational, scientific or cultural character, mock-up or visualizations of abstract concepts such as molecular structures or mathematical formulae; materials for programed instruction; and kits containing printed materials and audio materials and visual materials or any combination of two or more of the foregoing	Free	Free	".

SEC. 164. TOOLS FOR SCIENTIFIC INSTRUMENTS OR APPARATUS.

Part 4 of schedule 8 is amended by adding in numerical sequence, the following new item:

"	851.67	Tools specially designed to be used for the maintenance, checking, gauging or repair of instruments or apparatus admitted under item 851.60	Free	Free	".

SEC. 165. ARTICLES FOR THE BLIND OR OTHER HANDICAPPED PERSONS.

(a) ELIMINATION OF DUTY.—Subpart D of part 2 of schedule 8 is amended by striking out items 825.00, 826.10, and 826.20.

(b) SPECIALLY DESIGNED ARTICLES.—Part 7 of schedule 8 is amended—

(1) by inserting, in numerical sequence, the following new items:

"		Articles specially designed or adapted for the use or benefit of the blind or other physically or mentally handicapped persons:			
		Articles for the blind:			
	870.50	Books, music, and pamphlets, in raised print, used exclusively by or for them	Free	Free	
	870.55	Braille tablets, cubarithms, and special apparatus, machines, presses, and types for their use or benefit exclusively	Free	Free	
	870.60	Other	Free	Free	";

and

(2) by adding the following new headnote:

"2. For the purposes of items 870.50, 870.55, and 870.60—

"Physically or mentally handicapped persons."

"(a) The term 'physically or mentally handicapped persons' includes any person suffering from a permanent or chronic physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"(b) These items do not cover—

"(i) articles for acute or transient disability;

"(ii) spectacles, dentures, and cosmetic articles for individuals not substantially disabled;

"(iii) therapeutic and diagnostic articles; or

"(iv) medicine or drugs.".

(c) STATISTICAL INFORMATION.—The Secretary of the Treasury, in conjunction with the Secretary of Commerce, shall take such actions as are necessary to obtain adequate statistical information with respect to articles to which the amendments made by this section apply.

SEC. 166. AUTHORITY TO LIMIT CERTAIN DUTY-FREE TREATMENT ACCORDED UNDER THIS ACT.

(a) AUTHORITY TO LIMIT.—

(1) IN GENERAL.—In addition to any authority under section 201 of the Trade Act of 1974 (19 U.S.C. 2251), the President may proclaim changes in the Tariff Schedules of the United States (19 U.S.C. 1202) to narrow the scope of, or place conditions upon, the duty-free treatment accorded under section 164, section 165, or section 167(b) (insofar as section 167(b) relates to temporary duty-free treatment of articles covered by sections 164 and 165) with respect to any type of article the duty-free treatment of which—

(A) has significant adverse impact on a domestic industry (or portion thereof) manufacturing or producing a like or directly competitive article, and

(B) is not provided for in the Florence Agreement or the Nairobi Protocol.

(2) RATES WHICH ARE TO TAKE EFFECT IF DUTY-FREE TREATMENT ELIMINATED.—If the President eliminates any duty-free treatment under paragraph (1), the rate of duty thereafter applicable to any article which is—

(A) affected by such action, and

(B) imported from any source,

shall be the rate proclaimed by the President as the rate applicable to such article from such source (determined without regard to this subtitle).

(b) RESTORATION OF TREATMENT.—If the President determines that any duty-free treatment which is no longer in effect because of action taken under subsection (a) could be restored in whole or in part without a resumption of significant adverse impact on a domestic industry or portion thereof, the President may proclaim changes to the Appendix to the Tariff Schedules of the United States to resume such duty-free treatment.

(c) OPPORTUNITY TO PRESENT VIEWS.—Before taking an action authorized by subsection (a) or (b), the President shall afford an opportunity for interested Government agencies and private persons to present their views concerning the proposed action.

SEC. 167. EFFECTIVE DATE; TEMPORARY DUTY-FREE TREATMENT.

(a) IN GENERAL.—The amendments made by sections 162, 163, 164, and 165 shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date which the President proclaims as the date on which he ratifies the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials.

(b) TEMPORARY DUTY-FREE TREATMENT.—

(1) ARTICLES FOR THE BLIND OR OTHER HANDICAPPED PERSONS.—Subject to the provisions of paragraph (3) and section 166, the President shall proclaim changes to the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) to implement the provisions of section 165 with respect to articles entered, or withdrawn from warehouse for consumption, during the two and one-half-year period beginning on the thirtieth day following the date of the enactment of this subtitle.

(2) OTHER ARTICLES.—Subject to the provisions of paragraph (3) and section 166, the President, if he deems such action to be in the interest of the United States, may proclaim further changes to the Appendix to the Tariff Schedules of the United States to implement any provision of section 162, 163, or 164 with respect to articles entered, or withdrawn from warehouse for consumption, during any period beginning on or after the thirtieth day following the date of the enactment of this subtitle and ending not later than two and one-half years after such beginning date.

(3) TIME PROVISIONS CEASE TO HAVE EFFECT.—If any temporary duty-free treatment accorded under paragraph (1) or (2) has not yet expired, such treatment shall cease to be effective on and after the date proclaimed by the President pursuant to subsection (a).

TITLE II—MISCELLANEOUS CUSTOMS PROVISIONS

SEC. 201. INTERNATIONAL TRANSMISSION OF BUSINESS DOCUMENTS; IMPORTERS OF RECORD.

(a) General headnote 5 is amended— 19 USC 1202 note.

(1) by striking out "and" at the end of subdivision (d);

(2) by redesignating subdivision (e) as subdivision (f); and

(3) by adding immediately after subdivision (d) the following:

"(e) records, diagrams, and other data with regard to any business, engineering, or exploration operation whether on paper, cards, photographs, blueprints, tapes, or other media; and".

(b) Item 870.10 is repealed.

(c) Section 483 of the Tariff Act of 1930 (19 U.S.C. 1483) is repealed. Repeals.

(d) Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended—

(1) by amending subsection (a)—

(A) by amending that part of paragraph (1) thereof which precedes subparagraph (A) to read as follows: "Except as provided in sections 490, 498, 552, 553, and 336(j) of this Act and in subsections (h) and (i) of this section, one of the parties qualifying as 'importer of record' under paragraph (2)(C) of this subsection, either in person or by an agent authorized by him in writing—", 19 USC 1490, 1498, 1552, 1553, 1336.

(B) by redesignating paragraph (2)(C) as paragraph (2)(D), and by inserting immediately after paragraph (2)(B) the following:

Merchandise entry documentation.

"(C) When an entry of merchandise is made under this section, the required documentation shall be filed either by the owner or purchaser of the merchandise or, when appropriately designated by the owner, purchaser, or consignee of the merchandise, a person holding a valid license under section 641 of this Act. When a consignee declares on entry that he is the owner or purchaser of merchandise, the appropriate customs officer may, without liability, accept the declaration. For the purposes of this title, the importer of record must be one of the parties who is eligible to file the documentation required by this section.", and

19 USC 1641.

(C) by striking out "consignees" in paragraph (2)(D) (as redesignated by subparagraph (B)) and inserting in lieu thereof "importers of record";

(2) by striking out "consignee" in subsections (c) and (d) and inserting in lieu thereof "importer of record"; and

(3) by amending subsections (h) and (i) to read as follows:

"(h) The carrier bringing the merchandise into the port at which entry is to be made may certify any person to be the owner, purchaser, or consignee of the merchandise, and that person may be accepted as such by the appropriate customs officer. A carrier shall not certify a person pursuant to this subsection unless it has actual knowledge of or reason to believe in the accuracy of such certification.

"(i) For the purposes of this section, the appropriate customs officer may accept a duplicate bill of lading signed or certified to be genuine by the carrier bringing the merchandise to the port at which entry is to be made.".

(e) Sections 485, 487, 494, and 505(a) of the Tariff Act of 1930 (19 U.S.C. 1485, 1487, 1494, and 1505(a)) are each amended by striking out "consignee" wherever it appears and inserting in lieu thereof "importer of record".

(f) Section 557 of the Tariff Act of 1930 (19 U.S.C. 1557) is amended—

(1) by inserting "purchaser" immediately after "owner" in the first sentence of subsection (a); and

(2) by striking out "consignee" in subsection (d) and substituting in lieu thereof "importer of record".

Effective date. 19 USC 1484 note.

(g) The amendments made by this section shall apply with respect to merchandise entered on and after the 30th day after the date of the enactment of this Act.

SEC. 202. DELIVERY INTO SUCCESSIVE BONDED WAREHOUSES REGARDLESS OF LOCATION.

The first sentence of the eighth paragraph of section 311 of the Tariff Act of 1930 (19 U.S.C. 1311) is amended by striking out "at an exterior port" and "immediate".

Convention on Cultural Property Implementation Act. 19 USC 2601 note.

TITLE III—IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY

SEC. 301. SHORT TITLE.

This title may be cited as the "Convention on Cultural Property Implementation Act".

SEC. 302. DEFINITIONS. 19 USC 2601.

For purposes of this title—

(1) The term "agreement" includes any amendment to, or extension of, any agreement under this title 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 206.

(4) The term "consignee" means a consignee as defined in section 483 of the Tariff Act of 1930 (19 U.S.C. 1483). *Ante*, p. 2349.

(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 article 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 title that enters into force with respect to the United States, or

(ii) subject to emergency action under section 304, and

(B) is listed by regulation under section 305.

(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.

19 USC 2602.

SEC. 303. 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 307 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 307 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 title, 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 307 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

(B) a multilateral agreement with the State Party and with one or more other nations (whether or not a State Party) under which the United States will apply such restrictions, and the other nations will apply similar restrictions, with respect to such material.

(3) REQUESTS.—A request made to the United States under article 9 of the Convention by a State Party must be accompa-

nied by a written statement of the facts known to the State Party that relate to those matters with respect to which determinations must be made under subparagraphs (A) through (D) of paragraph (1).

(4) IMPLEMENTATION.—In implementing this subsection, the President should endeavor to obtain the commitment of the State Party concerned to permit the exhange of its archaeological and ethnological materials under circumstances in which such exchange does not jeopardize its cultural patrimony.

(b) EFFECTIVE PERIOD.—The President may not enter into any agreement under subsection (a) which has an effective period beyond the close of the five-year period beginning on the date on which such agreement enters into force with respect to the United States.

(c) RESTRICTIONS ON ENTERING INTO AGREEMENTS.—

(1) IN GENERAL.—The President may not enter into a bilateral or multilateral agreement authorized by subsection (a) unless the application of the import restrictions set forth in section 307 with respect to archaeological or ethnological material of the State Party making a request to the United States under article 9 of the Convention will be applied in concert with similar restrictions implemented, or to be implemented, by those nations (whether or not State Parties) individually having a significant import trade in such material.

(2) EXCEPTION TO RESTRICTIONS.—Notwithstanding paragraph (1), the President may enter into an agreement if he determines that a nation individually having a significant import trade in such material is not implementing, or is not likely to implement, similar restrictions, but—

(A) such restrictions are not essential to deter a serious situation of pillage, and

(B) the application of the import restrictions set forth in section 307 in concert with similar restrictions implemented, or to be implemented, by other 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.

(d) SUSPENSION OF IMPORT RESTRICTIONS UNDER AGREEMENTS.—If, after an agreement enters into force with respect to the United States, the President determines that a number of parties to the agreement (other than parties described in subsection (c)(2)) having significant import trade in the archaeological and ethnological material covered by the agreement—

(1) have not implemented within a reasonable period of time import restrictions that are similar to those set forth in section 307, or

(2) are not implementing such restrictions satisfactorily with the result that no substantial benefit in deterring a serious situation of pillage in the State Party concerned is being obtained,

the President shall suspend the implementation of the import restrictions under section 307 until such time as the nations take appropriate corrective action.

(e) EXTENSION OF AGREEMENTS.—The President may extend any agreement that enters into force with respect to the United States for additional periods of not more than five years each if the President determines that—

(1) the factors referred to in subsection (a)(1) which justified the entering into of the agreement still pertain, and

(2) no cause for suspension under subsection (d) exists.

(f) PROCEDURES.—If any request described in subsection (a) is made by a State Party, or if the President proposes to extend any agreement under subsection (e), the President shall—

Publication in Federal Register.

(1) publish notification of the request or proposal in the Federal Register;

Submittal to Committee.

(2) submit to the Committee such information regarding the request or proposal (including, if applicable, information from the State Party with respect to the implementation of emergency action under section 304) as is appropriate to enable the Committee to carry out its duties under section 306(f); and

(3) consider, in taking action on the request or proposal, the views and recommendations contained in any Committee report—

(A) required under section 306(f) (1) or (2), and

(B) submitted to the President before the close of the one-hundred-and-fifty-day period beginning on the day on which the President submitted information on the request or proposal to the Committee under paragraph (2).

(g) INFORMATION ON PRESIDENTIAL ACTION.—

Report to Congress.

(1) IN GENERAL.—In any case in which the President—

(A) enters into or extends an agreement pursuant to subsection (a) or (e), or

(B) applies import restrictions under section 204,

the President shall, promptly after taking such action, submit a report to the Congress.

(2) REPORT.—The report under paragraph (1) shall contain—

(A) a description of such action (including the text of any agreement entered into),

(B) the differences (if any) between such action and the views and recommendations contained in any Committee report which the President was required to consider, and

(C) the reasons for any such difference.

Report to Congress.

(3) INFORMATION RELATING TO COMMITTEE RECOMMENDATIONS.—If any Committee report required to be considered by the President recommends that an agreement be entered into, but no such agreement is entered into, the President shall submit to the Congress a report which contains the reasons why such agreement was not entered into.

19 USC 2603.

SEC. 304. EMERGENCY IMPLEMENTATION OF IMPORT RESTRICTIONS.

(a) EMERGENCY CONDITION DEFINED.—For purposes of this section, the term "emergency condition" means, with respect to any archaeological or ethnological material of any State Party, that such material is—

(1) a newly discovered type of material which is of importance for the understanding of the history of mankind and is in jeopardy from pillage, dismantling, dispersal, or fragmentation;

(2) identifiable as coming from any site recognized to be of high cultural significance if such site is in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions; or

(3) a part of the remains of a particular culture or civilization, the record of which is in jeopardy from pillage, dismantling,

dispersal, or fragmentation which is, or threatens to be, of crisis proportions;

and application of the import restrictions set forth in section 307 on a temporary basis would, in whole or in part, reduce the incentive for such pillage, dismantling, dispersal or fragmentation.

(b) PRESIDENTIAL ACTION.—Subject to subsection (c), if the President determines that an emergency condition applies with respect to any archaeological or ethnological material of any State Party, the President may apply the import restrictions set forth in section 307 with respect to such material.

(c) LIMITATIONS.—

(1) The President may not implement this section with respect to the archaeological or ethnological materials of any State Party unless the State Party has made a request described in section 303(a) to the United States and has supplied information which supports a determination that an emergency condition exists.

(2) In taking action under subsection (b) with respect to any State Party, the President shall consider the views and recommendations contained in the Committee report required under section 306(f)(3) if the report is submitted to the President before the close of the ninety-day period beginning on the day on which the President submitted information to the Committee under section 303(f)(2) on the request of the State Party under section 303(a). Report.

(3) No import restrictions set forth in section 307 may be applied under this section to the archaeological or ethnological materials of any State Party for more than five years after the date on which the request of a State Party under section 303(a) is made to the United States. This period may be extended by the President for three more years if the President determines that the emergency condition continues to apply with respect to the archaeological or ethnological material. However, before taking such action, the President shall request and consider, if received within ninety days, a report of the Committee setting forth its recommendations, together with the reasons therefor, as to whether such import restrictions shall be extended. Extension. Report.

(4) The import restrictions under this section may continue to apply in whole or in part, if before their expiration under paragraph (3), there has entered into force with respect to the archaeological or ethnological materials an agreement under section 203 or an agreement with a State Party to which the Senate has given its advice and consent to ratification. Such import restrictions may continue to apply for the duration of the agreement.

SEC. 305. DESIGNATION OF MATERIALS COVERED BY AGREEMENTS OR EMERGENCY ACTIONS. 19 USC 2604.

After any agreement enters into force under section 303, or emergency action is taken under section 304, the Secretary, after consultation with the Director of the United States Information Agency, shall by regulation promulgate (and when appropriate shall revise) a list of the archaeological or ethnological material of the State Party covered by the agreement or by such action. The Secretary may list such material by type or other appropriate classification, but each listing made under this section shall be sufficiently specific and precise to insure that (1) the import restric-

tions under section 307 are applied only to the archeological and ethnological material covered by the agreement or emergency action; and (2) fair notice is given to importers and other persons as to what material is subject to such restrictions.

19 USC 2605.

SEC. 306. CULTURAL PROPERTY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Cultural Property Advisory Committee.

(b) MEMBERSHIP.—

(1) The Committee shall be composed of eleven members appointed by the President as follows:

(A) Two members representing the interests of museums.

(B) Three members who shall be experts in the fields of archaeology, anthropology, ethnology, or related areas.

(C) Three members who shall be experts in the international sale of archaeological, ethnological, and other cultural property.

(D) Three members who shall represent the interest of the general public.

(2) Appointments made under paragraph (1) shall be made in such a manner so as to insure—

(A) fair representation of the various interests of the public sectors and the private sectors in the international exchange of archaeological and ethnological materials, and

(B) that within such sectors, fair representation is accorded to the interests of regional and local institutions and museums.

(3)(A) Members of the Committee shall be appointed for terms of two years and may be reappointed for 1 or more terms.

(B) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) EXPENSES.—The members of the Committee shall be reimbursed for actual expenses incurred in the performance of duties for the Committee.

(d) TRANSACTION OF BUSINESS.—Six of the members of the Committee shall constitute a quorum. All decisions of the Committee shall be by majority vote of the members present and voting.

(e) STAFF AND ADMINISTRATION.—

(1) The Director of the United States Information Agency shall make available to the Committee such administrative and technical support services and assistance as it may reasonably require to carry out its activities. Upon the request of the Committee, the head of any other Federal agency may detail to the Committee, on a reimbursable basis, any of the personnel of such agency to assist the Committee in carrying out its functions, and provide such information and assistance as the Committee may reasonably require to carry out its activities.

(2) The Committee shall meet at the call of the Director of the United States Information Agency, or when a majority of its members request a meeting in writing.

(f) REPORTS BY COMMITTEE.—

(1) The Commitee shall, with respect to each request of a State Party referred to in section 303(a), undertake an investigation and review with respect to matters referred to in section 303(a)(1) as they relate to the State Party or the request and shall prepare a report setting forth—

(A) the results of such investigation and review;

(B) its findings as to the nations individually having a significant import trade in the relevant material; and

(C) its recommendation, together with the reasons therefor, as to whether an agreement should be entered into under section 303(a) with respect to the State Party.

(2) The Committee shall, with respect to each agreement proposed to be extended by the President under section 303(e), prepare a report setting forth its recommendations together with the reasons therefor, as to whether or not the agreement should be extended.

(3) The Committee shall in each case in which the Committee finds that an emergency condition under section 304 exists prepare a report setting forth its recommendations, together with the reasons therefor, as to whether emergency action under section 304 should be implemented. If any State Party indicates in its request under section 303(a) that an emergency condition exists and the Committee finds that such a condition does not exist, the Committee shall prepare a report setting forth the reasons for such finding.

(4) Any report prepared by the Committee which recommends the entering into or the extension of any agreement under section 303 or the implementation of emergency action under section 304 shall set forth—

(A) such terms and conditions which it considers necessary and appropriate to include within such agreement, or apply with respect to such implementation, for purposes of carrying out the intent of the Convention; and

(B) such archaeological or ethnological material of the State Party, specified by type or such other classification as the Committee deems appropriate, which should be covered by such agreement or action.

(5) If any member of the Committee disagrees with respect to any matter in any report prepared under this subsection, such member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report.

(6) The Committee shall submit to the Congress and the President a copy of each report prepared by it under this subsection.

(g) COMMITTEE REVIEW.—

(1) IN GENERAL.—The Committee shall undertake a continuing review of the effectiveness of agreements under section 303 that have entered into force with respect to the United States, and of emergency action implemented under section 304.

(2) ACTION BY COMMITTEE.—If the Committee finds, as a result of such review, that—

(A) cause exists for suspending, under section 303(d), the import restrictions imposed under an agreement;

(B) any agreement or emergency action is not achieving the purposes for which entered into or implemented; or

(C) changes are required to this title in order to implement fully the obligations of the United States under the Convention;

the Committee may submit a report to the Congress and the President setting forth its recommendations for suspending such import restrictions or for improving the effectiveness of any such agreement or emergency action or this title. Report to Congress.

5 USC app.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. Appendix I) shall apply to the Committee except that the requirements of subsections (a) and (b) of section 10 and section 11 of such Act (relating to open meetings, public notice, public participation, and public availability of documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or bargaining positions on the negotiations of any agreement authorized by this title.

(i) CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—Any information (including trade secrets and commercial or financial information which is privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the Committee in connection with the responsibilities of the Committee shall not be disclosed to any person other than to—

(A) officers and employees of the United States designated by the Director of the United States Information Agency;

(B) members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate who are designated by the chairman of either such Committee and members of the staff of either such Committee designated by the chairman for use in connection with negotiation of agreements or other activities authorized by this title; and

(C) the Committee established under this title.

(2) GOVERNMENTAL INFORMATION.—Information submitted in confidence by officers or employees of the United States to the Committee shall not be disclosed other than in accordance with rules issued by the Director of the United States Information Agency, after consultation with the Committee. Such rules shall define the categories of information which require restricted or confidential handling by such Committee considering the extent to which public disclosure of such information can reasonably be expected to prejudice the interests of the United States. Such rules shall, to the maximum extent feasible, permit meaningful consultations by Committee members with persons affected by proposed agreements authorized by this title.

(j) NO AUTHORITY TO NEGOTIATE.—Nothing contained in this section shall be construed to authorize or to permit any individual (not otherwise authorized or permitted) to participate directly in any negotiation of any agreement authorized by this title.

19 USC 2606.

SEC. 307. IMPORT RESTRICTIONS.

(a) DOCUMENTATION OF LAWFUL EXPORTATION.—No designated archaeological or ethnological material that is exported (whether or not such exportation is to the United States) from the State Party after the designation of such material under section 305 may be imported into the United States unless the State Party issues a certification or other documentation which certifies that such exportation was not in violation of the laws of the State Party.

(b) CUSTOMS ACTION IN ABSENCE OF DOCUMENTATION.—If the consignee of any designated archaeological or ethnological material is

unable to present to the customs officer concerned at the time of making entry of such material—

(1) the certificate or other documentation of the State Party required under subsection (a); or

(2) satisfactory evidence that such material was exported from the State Party—

(A) not less than ten years before the date of such entry and that neither the person for whose account the material is imported (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than one year before that date of entry, or

(B) on or before the date on which such material was designated under section 305,

the customs officer concerned shall refuse to release the material from customs custody and send it to a bonded warehouse or store to be held at the risk and expense of the consignee, notwithstanding any other provision of law, until such documentation or evidence is filed with such officer. If such documentation or evidence is not presented within ninety days after the date on which such material is refused release from customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the material shall be subject to seizure and forfeiture. The presentation of such documentation or evidence shall not bar subsequent action under section 310.

Seizure and forfeiture.

(c) DEFINITION OF SATISFACTORY EVIDENCE.—The term "satisfactory evidence" means—

(1) for purposes of subsection (b)(2)(A)—

(A) one or more declarations under oath by the importer, or the person for whose account the material is imported, stating that, to the best of his knowledge—

(i) the material was exported from the State Party not less than ten years before the date of entry into the United States, and

(ii) neither such importer or person (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than one year before the date of entry of the material; and

(B) a statement provided by the consignor, or person who sold the material to the importer, which states the date, or, if not known, his belief, that the material was exported from the State Party not less than ten years before the date of entry into the United States, and the reasons on which the statement is based; and

(2) for purposes of subsection (b)(2)(B)—

(A) one or more declarations under oath by the importer or the person for whose account the material is to be imported, stating that, to the best of his knowledge, the material was exported from the State Party on or before the date such material was designated under section 305, and

(B) a statement by the consignor or person who sold the material to the importer which states the date, or if not known, his belief, that the material was exported from the State Party on or before the date such material was designated under section 305, and the reasons on which the statement is based.

(d) RELATED PERSONS.—For purposes of subsections (b) and (c), a person shall be treated as a related person to an importer, or to a person for whose account material is imported, if such person—

(1) is a member of the same family as the importer or person of account, including, but not limited to, membership as a brother or sister (whether by whole or half blood), spouse, ancestor, or lineal descendant;

(2) is a partner or associate with the importer or person of account in any partnership, association, or other venture; or

(3) is a corporation or other legal entity in which the importer or person of account directly or indirectly owns, controls, or holds power to vote 20 percent or more of the outstanding voting stock or shares in the entity.

19 USC 2607.

SEC. 308. STOLEN CULTURAL PROPERTY.

No article of cultural property documented as appertaining to the inventory of a museum or religious or secular public monument or similar institution in any State Party which is stolen from such institution after the effective date of this title, or after the date of entry into force of the Convention for the State Party, whichever date is later, may be imported into the United States.

19 USC 2608.

SEC. 309. TEMPORARY DISPOSITION OF MATERIALS AND ARTICLES SUBJECT TO TITLE.

Pending a final determination as to whether any archaeological or ethnological material, or any article of cultural property, has been imported into the United States in violation of section 307 or section 308, the Secretary shall, upon application by any museum or other cultural or scientific institution in the United States which is open to the public, permit such material or article to be retained at such institution if he finds that—

(1) sufficient safeguards will be taken by the institution for the protection of such material or article; and

(2) sufficient bond is posted by the institution to ensure its return to the Secretary.

19 USC 2609.

SEC. 310. SEIZURE AND FORFEITURE.

(a) IN GENERAL.—Any designated archaeological or ethnological material or article of cultural property, as the case may be, which is imported into the United States in violation of section 307 or section 308 shall be subject to seizure and forfeiture. All provisions of law relating to seizure, forfeiture, and condemnation for violation of the customs laws shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this title, insofar as such provisions of law are applicable to, and not inconsistent with, the provisions of this title.

(b) ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIAL.—Any designated archaeological or ethnological material which is imported into the United States in violation of section 307 and which is forfeited to the United States under this title shall—

(1) first be offered for return to the State Party;

(2) if not returned to the State Party, be returned to a claimant with respect to whom the material was forfeited if that claimant establishes—

(A) valid title to the material,

(B) that the claimant is a bona fide purchaser for value of the material; or

(3) if not returned to the State Party under paragraph (1) or to a claimant under paragraph (2), be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

No return of material may be made under paragraph (1) or (2) unless the State Party or claimant, as the case may be, bears the expenses incurred incident to the return and delivery, and complies with such other requirements relating to the return as the Secretary shall prescribe.

(c) ARTICLES OF CULTURAL PROPERTY.—

(1) In any action for forfeiture under this section regarding an article of cultural property imported into the United States in violation of section 208, if the claimant establishes valid title to the article, under applicable law, as against the institution from which the article was stolen, forfeiture shall not be decreed unless the State Party to which the article is to be returned pays the claimant just compensation for the article. In any action for forfeiture under this section where the claimant does not establish such title but establishes that it purchased the article for value without knowledge or reason to believe it was stolen, forfeiture shall not be decreed unless—

(A) the State Party to which the article is to be returned pays the claimant an amount equal to the amount which the claimant paid for the article, or

(B) the United States establishes that such State Party, as a matter of law or reciprocity, would in similar circumstances recover and return an article stolen from an institution in the United States without requiring the payment of compensation.

(2) Any article of cultural property which is imported into the United States in violation of section 308 and which is forfeited to the United States under this title shall—

(A) first be offered for return to the State Party in whose territory is situated the institution referred to in section 308 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

(B) 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.

SEC. 311. EVIDENTIARY REQUIREMENTS. 19 USC 2610.

Notwithstanding the provisions of section 615 of the Tariff Act of 1930 (19 U.S.C. 1615), in any forfeiture proceeding brought under this title in which the material or article, as the case may be, is claimed by any person, the United States shall establish—

(1) in the case of any material subject to the provisions of section 307, that the material has been listed by the Secretary in accordance with section 305; and

(2) in the case of any article subject to section 308, that the article—

(A) is documented as appertaining to the inventory of a museum or religious or secular public monument or similar institution in a State Party, and

(B) was stolen from such institution after the effective date of this title, or after the date of entry into force of the

Convention for the State Party concerned, whichever date is later.

19 USC 2611.

SEC. 312. CERTAIN MATERIAL AND ARTICLES EXEMPT FROM TITLE.

The provisions of this title shall not apply to—

(1) any archaeological or ethnological material or any article of cultural property which is imported into the United States for temporary exhibition or display if such material or article is immune from seizure under judicial process 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

(2) any designated archaeological or ethnological material or any article of cultural property imported into the United States if such material or article—

(A) has been held in the United States for a period of not less than three 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 this title, 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 fifty thousand, or a periodical or exhibition catalog which is concerned with the type of article or materials sought to be exempted from this title,

(ii) such material or article has been exhibited to the public for a period or periods aggregating at least one year during such three-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 two years during such three-year period;

(B) if subparagraph (A) does not apply, has been within the United States for a period of not less than ten consecutive years and has been exhibited for not less than five years during such period in a recognized museum or religious or secular monument or similar institution in the Unites States open to the public; or

(C) if subparagraphs (A) and (B) do not apply, has been within the United States for a period of not less than ten 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 shall by regulation prescribe) of its location within the United States; and

(D) if none of the preceding subparagraphs apply, has been within the United States for a period of not less than twenty 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.

SEC. 313. REGULATIONS. 19 USC 2612.

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

SEC. 314. ENFORCEMENT. 19 USC 2613.

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

SEC. 315. EFFECTIVE DATE. 19 USC 2601 note. Publication in Federal Register.

(a) IN GENERAL.—This title shall take effect on the ninetieth day after the date of the enactment of this Act 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 at any time after the date of the enactment of this Act.

Approved January 12, 1983.

LEGISLATIVE HISTORY—H.R. 4566:

HOUSE REPORTS: No. 97-257 (Comm. on Ways and Means) and No. 97-989 (Comm. of Conference).
SENATE REPORT No. 97-564 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Oct. 13, considered and passed House.
Vol. 128 (1982): Dec. 19, considered and passed Senate, amended.
Dec. 21, House agreed to conference report.
Dec. 22, Senate agreed to conference report.