

## § 12.104e

shall take the designated archaeological or ethnological material into Customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until the certificate, documentation, or evidence, or the electronic equivalent, is presented to such officer. The certificate, documentation, or evidence, or the electronic equivalent, must be presented within 90 days after the date on which the material is taken into Customs custody, or such longer period as may be allowed by the port director for good cause shown.

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986, as amended by CBP Dec. 15-14, 80 FR 61285, Oct. 13, 2015]

### § 12.104e Seizure and forfeiture.

(a) Whenever any designated archaeological or ethnological material is imported into the U.S. in violation of 19 U.S.C. 2606, and the importer states in writing that he will not attempt to secure the certificate, documentation, or evidence, or the electronic equivalent, required by §12.104c, or such certificate, documentation, or evidence, or the electronic equivalent, is not presented to the port director before the expiration of the time provided in §12.104d, the material shall be seized and summarily forfeited to the U.S. in accordance with part 162 of this chapter.

(1) Any designated archaeological or ethnological material which is forfeited to the U.S. shall, in accordance with the provisions of Title III of Pub. L. 97-446, 19 U.S.C. 2609(b):

(i) First be offered for return to the State Party;

(ii) If not returned to the State Party be returned to a claimant with respect to whom the designated 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

(iii) If not returned to the State Party under paragraph (a)(1)(i) of this section or to a claimant under paragraph (a)(1)(ii) of this section, 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 (a)(1) (i) or (ii) of this section unless

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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.

(b) Whenever any stolen article of cultural property is imported into the U.S. in violation of 19 U.S.C. 2607, such cultural property shall be seized and forfeited to the U.S. in accordance with part 162 of this chapter.

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

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

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

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986, as amended by CBP Dec. 15-14, 80 FR 61285, Oct. 13, 2015]

### § 12.104f Temporary disposition of materials and articles.

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

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

(a) The following is a list of agreements imposing import restrictions on

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the described articles of cultural property of State Parties. The listed Treasury Decision contains the Designated Listing with a complete description of specific items or categories of archaeological or ethnological material designated by the agreement as coming under the protection of the Convention on Cultural Property Implementation Act. Import restrictions listed below shall be effective for no more than five

years beginning on the date on which the agreement enters into force with respect to the United States. This period may be extended for additional periods of not more than five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists. Any such extension is indicated in the listing.

State party	Cultural Property	Decision No.
Albania .....	Archaeological material of Albania ranging in date from approximately 300,000 B.C. to A.D. 1750, and ethnological material of Albania ranging in date from approximately A.D. 400 to 1913.	CBP Dec. 22–06
Algeria .....	Archaeological material representing Algeria's cultural heritage that is at least 250 years old, dating from the Paleolithic (approximately 2.4 million years ago), Neolithic, Classical, Byzantine, and Islamic periods and into the Ottoman period to A.D. 1750.	CBP Dec. 19–09
Belize .....	Archaeological material, representing Belize's cultural heritage that is at least 250 years old, dating from the Pre-Ceramic (from approximately 9000 B.C.), Pre-Classic, Classic, and Post-Classic Periods of the Pre-Columbian era through the Early and Late Colonial Periods.	CBP Dec. 13–05 extended by CBP Dec. 23–02
Bolivia .....	Archaeological and Ethnological Material from Bolivia .....	T.D. 01–86 extended by CBP Dec. 21–18
Bulgaria .....	Archaeological material from Bulgaria ranging in date from 7500 B.C. through approximately 1750 A.D. and ecclesiastical ethnological material from Bulgaria ranging in date from the beginning of the 4th century A.D. through approximately 1750 A.D.	CBP Dec. 19–01
Cambodia .....	Archaeological Material from Cambodia from the Bronze Age through the Khmer Era.	CBP Dec. 08–40 extended by CBP Dec. 18–11
Canada .....	Archaeological artifacts and ethnological material culture of Canadian origin.	T.D. 97–31
Chile .....	Archaeological material representing Chile's cultural heritage from the Paleolithic period (c. 31,000 B.C.) to the Huri Moai phase in Chile (A.D. 1680–1868).	CBP Dec. 20–16
Colombia .....	Pre-Columbian archaeological material ranging approximately from 1500 B.C. to 1530 A.D. and ecclesiastical ethnological material of the Colonial period ranging approximately from A.D. 1530 to 1830.	CBP Dec. 06–09 extended by CBP Dec. 21–05
Costa Rica .....	Archaeological material representing Costa Rica's cultural heritage from approximately 12,000 B.C. to A.D. 1550.	CBP Dec. 21–06
Cyprus .....	Archaeological material ranging approximately from the 11th millennium B.C. to A.D. 1770 and ethnological material ranging from approximately the 4th century A.D. to A.D. 1878.	CBP Dec. 22–15
Ecuador .....	Archaeological and ethnological material representing Ecuador's cultural heritage that is at least 250 years old, dating from the Pre-ceramic (approximately 12,000 B.C.), Formative, Regional development, Integration, Inka periods and into the Colonial period to A.D. 1769.	CBP Dec. 20–03
Egypt .....	Archaeological material representing Egypt's cultural heritage ranging approximately from 300,000 B.C. to A.D. 1750, and ethnological material ranging from A.D. 1517 to 1914.	CBP Dec. 21–17
El Salvador .....	Archaeological material representing El Salvador's Pre-Hispanic cultures ranging in date from approximately 8000 B.C. through A.D. 1550 and ecclesiastical ethnological material from the Colonial period through the first half of the twentieth century ranging in date from approximately A.D. 1525 to 1950.	CBP Dec. 20–04
Greece (Hellenic Republic) .....	Archeological materials representing Greece's cultural heritage ranging in date from approximately 3rd millennium B.C. to 15th century A.D., and ecclesiastical ethnological material from Greece from the early Christian, Byzantine, and post-Byzantine periods, including objects made from A.D. 324 through 1830.	CBP Dec. 21–16

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State party	Cultural Property	Decision No.
Guatemala .....	Archaeological material, c. 12,000 B.C. to A.D. 1524, and Hispanic period ecclesiastical ethnological material, c. A.D. 1524 to 1821.	CBP Dec. 12–17 extended by CBP Dec. 22–24
Honduras .....	Archaeological material of Pre-Columbian cultures ranging approximately from 1200 B.C. to 1500 A.D. and ecclesiastical ethnological materials dating from the Colonial Period, c. A.D. 1502 to 1821.	CBP Dec. 14–03 extended by CBP Dec. 19–03
Italy .....	Archaeological Material of pre-Classical, Classical, and Imperial Roman periods ranging approximately from the 9th century B.C. to the 4th century A.D.	T.D. 01–06 extended by CBP Dec. 21–01
Jordan .....	Archaeological material representing Jordan's cultural heritage from the Paleolithic period (c. 1.5 million B.C.) to the middle of the Ottoman period in Jordan (A.D. 1750).	CBP Dec. 20–02
Libya .....	Archaeological material and ethnological material from Libya.	CBP Dec. 23–03
Mali .....	Archaeological material from Mali from the Paleolithic Era (Stone Age) to approximately the mid-eighteenth century, and ethnological materials dating between the twelfth and twentieth centuries.	CBP Dec. 22–23
Morocco .....	Archaeological material from Morocco ranging in date from approximately 1 million B.C. to A.D. 1750, and ethnological material from Morocco ranging in date from approximately A.D. 1549 to 1912.	CBP Dec. 21–02
Nicaragua .....	Archaeological material of pre-Columbian cultures ranging approximately from 8000 B.C. to 1500 A.D.	T.D. 00–75 extended by CBP Dec. 15–13
Nigeria .....	Archaeological material of Nigeria ranging from approximately B.C. 1500 to A.D. 1770, and ethnological material of Nigeria ranging from approximately A.D. 200 to the early 20th century A.D.	CBP Dec. 22–05
People's Republic of China .....	Archaeological materials representing China's cultural heritage from the Paleolithic Period (c. 75,000 B.C.) through the end of the Tang Period (A.D. 907) and monumental sculpture and wall art at least 250 years old as of January 14, 2009.	CBP Dec. 19–02
Peru .....	Archaeological artifacts and ethnological material from Peru ..	CBP Dec. 22–11
Turkey .....	Archaeological material representing Turkey's cultural heritage ranging from approximately 1,200,000 B.C. to A.D. 1770, and ethnological material ranging from the 1st century A.D. to A.D. 1923.	CBP Dec. 21–09

(b) The following is a list of emergency actions imposing import restrictions on the described articles of cultural property of State Parties. The listed decision contains a complete description of specific items or categories of archaeological or ethnological material designated by the emergency actions as coming under the protection of the Convention on Cultural Property Implementation Act. Import restric-

tions listed below shall be effective for no more than five years from the date on which the State Party requested those restrictions. This period may be extended for three more years if it is determined that the emergency condition continues to apply with respect to the archaeological or ethnological material. Any such extension is indicated in the listing.

State party	Cultural property	Decision No.
Afghanistan .....	Archaeological and ethnological material from Afghanistan ....	CBP Dec. 22–04
Yemen .....	Archaeological and ethnological material from Yemen .....	CBP Dec. 20–01

[T.D. 86–52, 51 FR 6907, Feb. 27, 1986]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §12.104g, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).