

7 FAM 680 CULTURAL OBJECTS

(CT:CON-104; 05-02-2005)
(Office Of Origin: CA/OCS/PRI)

7 FAM 681 INTRODUCTION

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Various laws and agreements at the national and international levels are in place to combat looting of archaeological sites, theft of objects from museums and other public institutions, and illegal international trafficking in archaeological, ethnographic, and art objects. Many countries regulate the purchase and sale of archaeological, historical, and ethnographic objects. Countries may also require export permits for these objects. References to some national legislation may be found in the Customs sections of the U.S. Department of State **Consular Information Sheets**.

7 FAM 682 AUTHORITIES

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- a. **Bilateral Agreements:** Under bilateral agreements with eleven other countries (Bolivia, Cambodia, Colombia, Cyprus, El Salvador, Guatemala, Honduras, Italy, Mali, Nicaragua, and Peru), the United States restricts the importation of certain categories of cultural objects. New agreements are considered as requests for them come from other countries. For a current list, check the U.S. Department of State, Educational and Cultural Affairs (ECA) Cultural Heritage Center Internet website and Treaties in Force available on the Department of State Internet page.
- b. **U.S. Laws:** Penalties may also apply under other U.S. statutes as in the case of false customs declarations, smuggling or other violations of U.S. law. Selected U.S. laws on this subject include:
 - (1) 18 U.S.C. 2314 Transportation Of Stolen Goods, Securities, Moneys, Fraudulent State Tax Stamps, Or Articles Used In Counterfeiting;
 - (2) 18 U.S.C. 2315 – Sale Or Receipt Of Stolen Goods, Securities, Moneys, Or Fraudulent State Tax Stamps (U.S. Stolen Property Act);
 - (3) 19 U.S.C. 2607 - Convention on Cultural Property Implementation Act;

- (4) 1972 Pre-Columbian Monumental and Architectural Sculpture and Murals Act; and
 - (5) Further, persons that smuggle or otherwise fraudulently import such items into the U.S. are subject to criminal and civil sanctions under the U.S. Customs laws.
- c. **Other Agreements:** Other international agreements may be relevant in specific cases, for example, 19 U.S.C. Chapter 11, Importation Of Pre-Columbian Monumental Or Architectural Sculpture Or Murals (1970 U.S.-Mexico Treaty of Cooperation).
- d. **International Laws:** See the Bureau of Educational and Cultural Affairs (ECA) international law feature on the Department of State Internet site for a summary of international law and multilateral conventions on this subject.

7 FAM 683 CITIZEN RESPONSIBILITY

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All U.S. citizens/nationals abroad, including visitors, residents, and diplomatic personnel, bear ultimate responsibility for the legality of their purchases, and should exercise due diligence in determining that an object has not been stolen or looted or its purchase or export does not otherwise violate host country law. U.S. citizens abroad should not rely on dealer assurances or unverified export permits to guarantee the legality of their purchases. **Consular Information Sheets** for pertinent countries include guidance on this subject. U.S. citizens should also be aware that replicas of cultural items may also require documentation to prove that they are not genuine artifacts.

7 FAM 684 TEMPORARY EXPORT AND IMPORT OF CULTURAL OBJECTS FOR EXHIBIT OR RESEARCH PURPOSES

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U.S. cultural and educational institutions may arrange for the temporary export and import of cultural objects for exhibit or research purposes. Such institutions may apply for protection from judicial seizure of these objects under the Immunity from Judicial Seizure Act, 22 U.S.C. 2459.

7 FAM 685 ECA CULTURAL HERITAGE CENTER

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The Department of State's Bureau of Educational and Cultural Affairs (ECA) serves as a clearinghouse of information and expertise on global cultural heritage protection issues. Its functions include administering bilateral cultural property agreements and the Ambassador's Fund for Cultural Preservation. You may contact the Center at:

Cultural Heritage Center
U.S. Department of State
301 4th Street, SW, Room 334
Washington, DC 20547
Telephone: (202) 619-6612
Fax: (202) 260-4893
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7 FAM 686 THROUGH 689 UNASSIGNED