

7 FAM 680 CULTURAL OBJECTS

(CT:CON-296; 04-21-2009)
(Office Of Origin: CA/OCS/PRI)

7 FAM 681 INTRODUCTION

(CT:CON-296; 04-21-2009)

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, *ethnological*, and art objects. Many countries *vest ownership of these objects in the state and/or* regulate *their* purchase and sale. Countries may also require export permits for *archaeological, ethnological, and art* objects. References to some national legislation may be found in the Customs sections of the U.S. Department of State *Country Specific Information (CSI)*. (See 7 FAM 050.)

7 FAM 682 AUTHORITIES

(CT:CON-296; 04-21-2009)

- a. Bilateral Agreements: Under bilateral agreements with *twelve* other countries (Bolivia, Cambodia, *China*, 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 *the most up to date* list, check the U.S. Department of State, Educational and Cultural Affairs (ECA) Cultural Heritage Center Internet website.
- 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. 2600 et seq.* - Convention on Cultural Property

- Implementation Act;
- (4) 1972 Pre-Columbian Monumental and Architectural Sculpture and Murals Act; and
 - (5) *18 U.S.C. 541 Entry of goods falsely classified; 18 U.S.C. 542 Entry of goods by means of false statements; and 18 U.S.C. 545 Smuggling goods into the United States.*
- c. Other Agreements: Other international agreements may be relevant in specific cases, for example, *the* 1970 U.S.-Mexico Treaty of Cooperation.
- d. International Laws: *There are regional and international laws that are binding for particular countries. For instance, the European Union has regulations governing the movement of cultural objects.* 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

(CT:CON-296; 04-21-2009)

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 *and exports*. *See consular Country Specific Information* for pertinent countries include guidance on this subject. U.S. citizens should be aware *many countries have vibrant craft industries that aim to emulate those of the past. While such crafts make lovely souvenirs and buying them supports local economies, do note that some countries may require replicas of cultural objects to be marked or documented* to prove that they are not genuine artifacts.

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

(CT:CON-104; 05-02-2005)

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

(CT:CON-296; 04-21-2009)

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, the *U.S. Ambassadors* Fund for Cultural Preservation, *and other special cultural heritage initiatives*. You may contact the Center at:

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7 FAM 686 THROUGH 689 UNASSIGNED