

TITLE II -- Regulation of Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals

Sec. 201. The Secretary, after consultation with the Secretary of State by regulation shall promulgate, and thereafter when appropriate shall revise a list of stone carvings and wall art which are pre-Columbian monumental or architectural sculpture or murals within the meaning of paragraph (3) of section 205. Such stone carvings and wall art may be listed by type or other classification deemed appropriate by the Secretary.

Certificate from country of origin.

Sec. 202.

- (a) No pre-Columbian monumental or architectural sculpture or mural which is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such sculpture or mural pursuant to section 202 may be imported into the United States unless the government of the country of origin of such sculpture or mural issues a certificate, in the form acceptable to the Secretary, which certifies that such exportation was not in violation of the laws of that country
- (b) If the consignee of any pre-Columbian monumental or architectural sculpture or mural is unable to present to the customs officer concerned at the time of making entry of such sculpture or mural -
- (1) the certificate of the government of the country of origin required under subsection (a) of this section;
 - (2) satisfactory evidence that such sculpture or mural was exported from the country of origin on or before the effective date of the regulation listing such sculpture or mural pursuant to sections 202;
- or**
- (3) satisfactory evidence that such sculpture or mural is not covered by the list promulgated under section 202; the customs officer concerned shall take the sculpture or mural into customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within the 90-day period after the date on which such sculpture or mural is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such sculpture or mural into the United States is in violation of this title.

Forfeiture.

Sec. 203.

- (a) Any pre-Columbian monumental or architectural sculpture or mural imported into the United States in violation of this title shall be seized and subject to forfeiture under the customs laws.
- (b) Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall--
- (1) first be offered for return to the country of origin and shall be returned if that country bears all expenses incurred incident to such return and complies with such other requirements relating to the return as the Secretary shall prescribe; or
 - (2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

Rules and regulations.

Sec. 204.

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

Definitions.

Sec. 205. For the purpose of this title--

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

Approved October 27, 1972.