

## **CULTURAL PROPERTY**

**Memorandum of Understanding  
Between the  
UNITED STATES OF AMERICA  
and CHINA**

Signed at Washington January 14, 2009



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

## **CHINA**

### **Cultural Property**

*Memorandum of understanding signed  
at Washington January 14, 2009;  
Entered into force January 14, 2009.*

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA  
CONCERNING  
THE IMPOSITION OF IMPORT RESTRICTIONS  
ON CATEGORIES OF ARCHAEOLOGICAL MATERIAL FROM  
THE PALEOLITHIC PERIOD THROUGH THE TANG DYNASTY  
AND MONUMENTAL SCULPTURE AND WALL ART  
AT LEAST 250 YEARS OLD**

The Government of the United States of America and the Government of the People's Republic of China;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of irreplaceable archaeological material representing the rich cultural heritage of China;

Have agreed as follows:

## **ARTICLE I**

1. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of archaeological material originating in China and representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and of monumental sculpture and wall art at least 250 years old; including categories of metal, ceramic, stone, textiles, other organic material, glass, and painting identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the People's Republic of China issues a license or other documentation which certifies that such exportation was not in violation of its laws. For the purposes of this Memorandum of Understanding, the restricted Paleolithic objects date from approximately 75,000 BC.

2. The Government of the United States of America shall offer for return to the Government of the People's Republic of China any material on the Designated List forfeited to the Government of the United States of America.

3. Such import restrictions shall become effective on the date the Designated List is published by the Department of Homeland Security in the U.S. Federal Register, the official United States Government publication providing fair public notice.

## **ARTICLE II**

1. Representatives of the Government of the United States of America and representatives of the Government of the People's Republic of China shall regularly publicize this Memorandum of Understanding and the reasons for it through available outlets of communication.

2. The Government of the People's Republic of China shall expand efforts to educate its citizens about the long term importance of safeguarding its rich cultural heritage and that of other countries, a principle embodied in the 1970 UNESCO Convention.
3. The Government of the People's Republic of China shall use its best efforts to make use of surface surveys in order to inventory sites, and to broaden archaeological research and enhance public awareness of its importance.
4. The Government of the People's Republic of China shall use its best efforts to increase funding and professional resources for the protection of cultural heritage throughout the country.
5. The Government of the People's Republic of China shall take measures to improve the effectiveness of its customs officers, in order to: (1) stop the illicit exportation of cultural property at borders and ports; and (2) recognize Chinese archaeological material and its value to the heritage. The Government of the United States of America shall use its best efforts to improve the ability of its customs officers to recognize Chinese archaeological material and, as appropriate, facilitate assistance to China for the training of its customs officers.
6. The Government of the People's Republic of China shall make every effort to stop archaeological material looted or stolen from the Mainland from entering the Hong Kong Special Administrative Region and the Macao Special Administrative Region with the goal of eliminating the illicit trade in these regions.
7. The Government of the United States of America recognizes that the Government of the People's Republic of China permits the international interchange of archaeological materials for cultural, educational and scientific purposes to enable widespread public appreciation of and legal access to China's rich cultural heritage.

The Government of the People's Republic of China agrees to use its best efforts to further such interchange in the following ways:

- (1) promote long-term loans of archaeological objects of significant interest to a broad cross-section of American museums for public exhibition, education, and research purposes;
- (2) promote increased institution-to-institution collaboration in the field of art history and in other humanistic and academic disciplines relating to the archaeological heritage of China;
- (3) promote the exchange of students and professionals in such fields as archaeology, art history, conservation, museum curatorial practices, and cultural heritage management between appropriate Chinese and U.S. institutions; and
- (4) facilitate the granting of permits to conduct archaeological research in China.

8. The Government of the United States of America shall use its best efforts to facilitate technical assistance to the Government of the People's Republic of China in pursuit of preserving its cultural heritage by such means as creating a national preservation strategy, improving rescue archaeology, stabilizing and restoring sites/buildings, enhancing the capacity of museums to preserve and exhibit collections, and strengthening regulation of the "cultural relics" market.

9. The Government of the People's Republic of China shall continue to license the sale and export of certain antiquities as provided by law and will explore ways to make more of these objects available licitly.

10. Recognizing that, pursuant to this Memorandum of Understanding, museums in the United States will be restricted from acquiring certain archaeological objects, the Government of the People's Republic of China agrees that its museums will similarly refrain from acquiring such restricted archaeological objects that are looted

and illegally exported from Mainland China to destinations abroad, unless the seller or donor provides evidence of legal export from Mainland China or verifiable documentation that the item left Mainland China prior to the imposition of U.S. import restrictions. This will apply to purchases made outside Mainland China by any museum in Mainland China and only to the categories of objects representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and monumental sculpture and wall art at least 250 years old, as covered by this Memorandum of Understanding.

11. The Government of the People's Republic of China shall seek to improve regulation of its internal market for antiquities.

12. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the People's Republic of China shall endeavor to strengthen regional cooperation within Asia for the protection of cultural patrimony; and, in the effort to deter further pillage in China, shall seek increased cooperation from other importing nations to restrict the import of looted archaeological material originating in China.

13. To strengthen the cooperation between the two countries, the Government of the People's Republic of China shall regularly provide the Government of the United States with information concerning the implementation of this Memorandum of Understanding; and, as appropriate, the Government of the United States shall provide information to the Government of the People's Republic of China that strengthens the ability of both countries to enforce applicable laws and regulations to reduce illicit trafficking in cultural property.



### ARTICLE III

The obligations of both Governments and the activities carried out under this Memorandum of Understanding shall be subject to the laws and regulations of each country, as applicable, including the availability of funds.

### ARTICLE IV

1. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years.
2. This Memorandum of Understanding may be amended or extended upon written agreement of the two Governments.
3. The effectiveness of this Memorandum of Understanding shall be subject to review in order to determine, before the expiration of the five year period of this Memorandum of Understanding, whether it should be extended.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

**DONE** at Washington, in duplicate, this 14<sup>th</sup> day of January, 2009, in the English and Chinese languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:**



**FOR THE GOVERNMENT OF  
THE PEOPLE'S REPUBLIC  
OF CHINA:**



美利坚合众国政府  
和  
中华人民共和国政府  
对旧石器时代到唐末的归类考古材料  
以及  
至少 250 年以上的古迹雕塑和壁上艺术  
实施进口限制的  
谅解备忘录

美利坚合众国政府和中华人民共和国政府作为 1970 年联合国教科文组织《关于禁止和防止非法进出口文化财产和非法转让其所有权的方法的公约》的缔约国，根据该公约采取行动；为减少诱因、使代表中国丰富文化遗产的不可替代的考古材料免遭盗劫，达成协议如下：

## 第一条

一、美利坚合众国政府依照其题为《文化财产公约实施法》的法律，应限制以下考古材料进口到美国：原产于中国和代表中国的文化遗产、从旧石器时代到唐代结束（公元 907 年）的考古材料和至少 250 年以上的古迹雕塑和壁上艺术，包括将由美国政府公布的清单（以下称为“指定清单”）上所列的各类金属物、陶瓷、石材、纺织品、其他有机物质、玻璃和绘画，但中华人民共和国政府签发许可或其他证件证明这种出口不违反中国法律的除外。本谅解备忘录所指受限旧石器时代物品的时限从大约公元前 75,000 年开始。

二、“指定清单”所列的任何材料一经没收交由美利坚合众国政府处理，美利坚合众国政府即应通知中华人民共和国政府有意让其将之运回。

三、“指定清单”一旦由美国国土安全部在美国政府用于昭示公告的官方刊物《联邦政府纪事》上公布，此类进口限制即告生效。

## 第二条

一、美利坚合众国政府代表和中华人民共和国政府代表应通过现有通讯渠道定期宣传本谅解备忘录内容及其签署缘由。

合法接触中国的丰富文化遗产而准许以文化、教育和科学为目的的考古资料的国

七、美利坚合众国政府认识到中华人民共和国政府为使“大民众能够欣赏并

行政区和澳门特别行政区，其目的是杜绝两地区的非法交易。

六、中华人民共和国政府应尽力制止盗窃或偷窃于内地的文物流入香港特别

能力；并酌情适时为协助中国培训其海关人员提供便利。

产的价值。美利坚合众国政府应尽最大努力提高其海关人员鉴别中国考古材料的

制止在边境和口岸非法出口文化财产；和（二）鉴别中国考古材料及其对文化遗

五、中华人民共和国政府应采取措施提高海关人员的效能，以其能够：（一）

各地的文化遗产。

四、中华人民共和国政府应尽最大努力增加资金和专业资源，用于保护全国

研究并提高公众对其重要性的认知。

三、中华人民共和国政府应尽最大努力利用文物普查，清点遗址、扩大考古

现的原则。

家丰富文化遗产的长远重要意义，这也是1970年联合国教科文组织《公约》体

二、中华人民共和国政府将加大教育力度，使其公民懂得保护本国及其他国

际交流，中华人民共和国政府同意尽其最大努力以如下方式推动此类交流：

（一）推动向美国各类博物馆长期借出重要考古物品，用于公开展览、教育及研究；

（二）提升与中国考古遗产相关的艺术史及其他人文等学术领域业已增加的机构间合作；

（三）促进中美相关机构在考古、艺术史、养护，博物馆策展实践和文化遗产管理领域的学生和专业人员的交流；

（四）为到中国进行考古研究所需许可证的签发提供便利。

八、美利坚合众国政府应尽其最大努力在中华人民共和国政府为保护中国文化遗产而采取措施的过程中，为给予技术援助提供便利；这些措施包括：拟订全国性保护策略、改善抢救性考古工作、加固和修复遗址/建筑物、增强博物馆保护和展出馆藏品的能力，以及加强文物市场的管理。

九、中华人民共和国政府应继续依法准许销售和出口某类文物，并为更多地合法提供这些文物探讨途径。

十、中华人民共和国政府认识到美国的博物馆依照本谅解备忘录将受到限制、不能获得某些考古物品，因而同意其博物馆也将同样不谋取原盗劫于中国大陆、后非法出口到国外的此类受限考古物品，除非卖方或捐助者提供从中国大陆

合法出口的证据，或可核查的文件，证明该物品是在美国实施进口限制之前离开中国大陆的。此规定适用于中国大陆任何博物馆在中国大陆地区以外的收购品，且仅适用于依照本谅解备忘录所涉、从旧石器时代到唐代末（公元 907 年）代表中国文化遗产的各类考古物品，以及至少 250 年以上的古迹雕塑和壁上艺术。

十一、中华人民共和国政府应设法改善其文物市场管理。

十二、两国政府同意，为了使美国的进口限制最有效地制止盗劫，中华人民共和国政府应努力加强亚洲的区域合作，以保护文化遗产；同时，为努力制止在中国的进一步盗劫，应寻求加强与其他进口国的进一步合作，对进口从中国盗劫的考古材料加以限制。

十三、为加强两国之间的合作，中华人民共和国政府将定期向美利坚合众国政府提供有关本谅解备忘录执行情况的信息；同时，美利坚合众国政府将酌情适时向中华人民共和国政府提供信息，以加强两国执行相关适用法律和法规的能力，减少文化财产的非法贩运。

### 第三条

两国政府依照本谅解备忘录承担的义务和进行的活动应遵守本国的适用法律和法规，包括可使用的资金在内。

### 第四条

- 一、本谅解备忘录自签署之日起即行生效。有效期为五年。
- 二、本谅解备忘录经两国政府书面协议，可修订或顺延。
- 三、本谅解备忘录的成效应在五年期满之前予以审查，以决定是否将其顺延。

以下签署人经各自政府正式授权在本谅解备忘录签字，以昭信守。

本谅解备忘录于二〇〇九年一月十四日在华盛顿签署，一式两份，每份均以英文和中文写成，两种文本同等作准。

美利坚合众国政府代表

中华人民共和国政府代表



## **CULTURAL PROPERTY**

**Agreement Between the  
UNITED STATES OF AMERICA  
and CHINA**

**Amending and Extending  
Memorandum of Understanding of  
January 14, 2009**

Effected by Exchange of Notes at  
Beijing January 6 and 8, 2014





NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

## **CHINA**

### **Cultural Property**

*Agreement amending and extending  
memorandum of understanding of  
January 14, 2009.*

*Effected by exchange of notes at Beijing  
January 6 and 8, 2014;*

*Entered into force January 8, 2014;*

*With effect from January 14, 2014.*

No. 0008

The Embassy of the United States of America presents its compliments to the State Administration for Cultural Heritage of the People's Republic of China and has the honor to refer to the Memorandum of Understanding Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period Through the Tang Dynasty and Monumental Sculpture and Wall Art at least 250 Years Old, signed at Washington January 14, 2009 (hereinafter referred to as "the MOU").

The Embassy, on behalf of the Government of the United States of America, has the honor to propose that, pursuant to Article IV.1 and 2 of the MOU, the MOU be extended for an additional five-year period.

The Embassy has the further honor to propose that, pursuant to Article IV. 2 of the MOU, the MOU be amended by replacing Article II with the attached revised Article II. The Embassy also has the honor to propose an amendment to Article I of the MOU. The proposed amendment to Article I is attached.

If the foregoing proposals are acceptable to the State Administration, the Embassy proposes that this note, including the attached revised Article I and Article II, and the State Administration's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of the State Administration's note in reply and shall take effect on January 14, 2014.

The Embassy of the United States of America takes this opportunity to renew to the State Administration for Cultural Heritage of the People's Republic of China the assurances of its highest consideration.

DIPLOMATIC NOTE

Attachments:

As stated.

Embassy of the United States of America,

Beijing, January 06, 2014



**Amendment to Article I of the  
Memorandum of Understanding (2009)**

**Current Article I. 1.** The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of archaeological material originating in China and representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and of monumental sculpture and wall art at least 250 years old; including categories of metal, ceramic, stone, textiles, other organic material, glass, and painting identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the People's Republic of China issues a license or other documentation which certifies that such exportation was not in violation of its laws. For the purposes of this Memorandum of Understanding, the restricted Paleolithic objects date from approximately 75,000 BC.

**Insert** "..., as of January 14, 2009, the date this MOU entered into force"

**Amended Article I 1.** The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of archaeological material originating in China and representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and of monumental sculpture and wall art at least 250 years old as of January 14, 2009, the date this MOU entered into force; including categories of metal, ceramic, stone, textiles, other organic material, glass, and painting identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the People's Republic of China issues a license or other documentation which certifies that such exportation was not in violation of its laws. For the purposes of this Memorandum of Understanding, the restricted Paleolithic objects date from approximately 75,000 BC.

**United States of America – People's Republic of China Memorandum of  
Understanding  
Extension 2014  
Revised Article II**

**Public Awareness / Outreach**

1. Representatives of the Government of the People's Republic of China and representatives of the Government of the United States of America shall regularly publicize this Memorandum of Understanding and the reasons for it through available outlets of communication.
2. The Government of the People's Republic of China and the Government of the United States of America shall continue to raise public awareness about the long-term importance of protecting cultural heritage from looting and destruction, in the spirit of UNESCO 1970 Convention.

**Protection / Conservation**

3. The Government of the People's Republic of China shall continue its best efforts to inventory collections of moveable cultural objects, to make use of surface surveys in order to inventory archaeological sites, and to increase research-based archaeology and enhance public awareness of its importance.
4. The Government of the People's Republic of China shall use its best efforts to train and deploy professional security guards and expand the use of security technology, with the aim of reducing pillage of cultural property throughout the country, especially in remote and high risk areas, and shall enhance awareness among government officials and employees of Chinese archeological material and its value to China's heritage.
5. The Government of the People's Republic of China shall use its best efforts to promote education in museum studies, archaeology and cultural resource management. Both nations will seek to support these efforts through available existing programs and other means of cooperation.
6. The Government of the United States of America shall use its best efforts to facilitate technical assistance to the Government of the People's Republic of China, with the aim of preserving its cultural heritage by such means as improving cultural resource management, stabilizing and restoring monuments and sites, enhancing capacity for risk prevention in heritage sites and museums and enhancing the capacity of museums to preserve and exhibit collections of its ancient heritage.

**Collaboration / Interchange**

7. The Government of the United States of America recognizes that the Government of the People's Republic of China permits the international interchange of archaeological materials for cultural, educational and scientific purposes to enable widespread public appreciation of and legal access to China's rich cultural heritage. The Government of the People's Republic of China agrees to use its best efforts to

further such interchange by:

- (1) continuing to encourage museum loans of archaeological material, including recently excavated objects, for research and public display purposes;
  - (2) encouraging Chinese museums to carry out joint efforts with American counterparts, including but not limited to: finalizing in a timely manner relevant contracts and lists of objects loaned and minimizing the logistical difficulties accompanying the exhibition;
  - (3) facilitating the approval of loan exhibitions to the United States of America, allowing objects in an exhibition to remain outside China for up to two years, increasing the number of Grade I objects allowed in an exhibition; and considering longer-term loans of up to five years of a limited number of objects.
  - (4) facilitating the granting of permits to conduct archaeological research in China by streamlining and further clarifying the application process.
8. With respect to Chinese cultural objects that meet the following four conditions: a) legally exported as part of a private collection of Chinese heirlooms, b) legally transferred among owners, c) purchased and imported by residents of China, and d) declared upon import to China and registered with the relevant authorities, the Government of the People's Republic of China shall seek legislative action that permits their re-export.

#### **Law Enforcement**

9. The Government of the People's Republic of China shall continue measures to improve the effectiveness of its customs officers to stop the illicit exportation of cultural property at borders and ports. The Government of the United States of America shall increase its efforts to improve the ability of its customs officers to recognize Chinese archaeological material and, as appropriate, facilitate assistance to China for the training of its customs officers.
10. The Central Government of the People's Republic of China shall increase joint efforts with the Hong Kong Special Administrative Region and the Macao Special Administrative Region to stop archaeological material looted or stolen from the Chinese mainland from being trafficked into and out of these regions.
11. The Government of the People's Republic of China shall seek to further implement regulation of its internal market for antiquities, with the aim of reducing unauthorized transactions.
12. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the People's Republic of China shall endeavor to strengthen regional cooperation within Asia for the protection of cultural heritage; and, in the effort to deter further pillage in China, shall seek increased cooperation from other importing nations to restrict the import of looted archaeological material originating in China.

## **Information Sharing**

13. To strengthen the cooperation between the two countries:

- 1) the Government of People's Republic of China shall provide annually to the Government of the United States of America information and statistics about crimes of theft, clandestine excavation, trafficking (illicit trade and smuggling) and abuse of official power, and, as it becomes available, information about prosecutions and convictions pertinent to the MOU;
- 2) as it becomes available and appropriate, the Government of the United States of America shall share information with the Government of People's Republic of China regarding trafficking (illicit trade and smuggling) of Chinese cultural property in order to strengthen the ability of both countries to enforce applicable laws and regulations to reduce this trafficking.



# 中华人民共和国国家文物局

State Administration of Cultural Heritage  
People's Republic of China

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Informal translation

SACH-2014-001

## Note verbale

The State Administration of Cultural Heritage of the People's Republic of China presents its compliments to the Embassy of the United States of America and has the honor to inform your Embassy that your Diplomatic Note No.0008 dated January 6, 2014 has been received.

On Behalf of the Government of the People's Republic of China, SACH accepts your Embassy's proposal, renewing for five more years the validity of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China Concerning The Imposition of Import Restrictions on Categories of Archeological Materials From the Paleolithic Period Through the Tang Dynasty and Monumental Sculpture and Wall Art At Least 250 Years Old*, and replacing Article 1 and 2 in the original text with the revised version attached in the Appendix (please see the Chinese text in the Appendix).

SACH also has the honor to accept your Embassy's proposal to develop an agreement on validity renewal and text revision of the MOU based on the note correspondences between us. The new agreement shall come into force on January 14, 2014 and be put into implementation on the date of reply by SACH.

SACH avails itself of this opportunity to renew to the Embassy of the United States the assurances of its highest consideration.

January 8, 2014

Encl.: As mentioned above

CC: Ministry of Foreign Affairs of the People's Republic of China

# 中华人民共和国国家文物局

State Administration of Cultural Heritage  
People's Republic of China

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SACH-2014-001

## 照 会

美利坚合众国驻中华人民共和国大使馆：

中华人民共和国国家文物局向美利坚合众国驻中华人民共和国大使馆致敬，并荣幸地告知：

贵馆 2014 年 1 月 6 日 No. 0008 外交照会收悉。

中华人民共和国国家文物局代表中华人民共和国政府接受贵馆提议，将《中华人民共和国政府和美利坚合众国政府对旧石器时代到唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上艺术实施进口限制的谅解备忘录》有效期顺延五年，并接受对备忘录第一条和第二条的修订，以附件中经修订的第一条和第二条代替原有的第一条和第二条（中文文本附后）。

国家文物局也荣幸地接受贵馆提议，将贵馆来照及国家文物局复照，共同组成一个顺延有效期和修订备忘录的协议，协议于国家文物局回复之日开始实施，并于 2014 年 1 月 14 日生效。

中华人民共和国国家文物局借此机会向美利坚合众国驻中华人民共和国大使馆致以最崇高的敬意。

附件：如前所述

中华人民共和国国家文物局

2014 年 1 月 8 日

抄送： 中华人民共和国外交部

附件:

**《中华人民共和国政府和美利坚合众国政府对旧石器时代到  
唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上  
艺术实施进口限制的谅解备忘录》于 2014 年顺延  
修订的第一条**

一、美利坚合众国政府依照其《文化财产公约实施法》，应限制以下物品进口到美国：从旧石器时代到唐代结束（公元 907 年）的源于中国并代表中国文化遗产的考古资料和迄本备忘录生效之日（2009 年 1 月 14 日）至少 250 年的古迹雕塑和壁上艺术，包括将由美国政府公布的清单（以下称为“指定清单”）上所列的各类金属物、陶瓷、石材、纺织品、其他有机物质、玻璃和绘画，但中华人民共和国政府签发许可或其他证件证明这种出口不违反中国法律的除外。本谅解备忘录所指受限旧石器时代物品的时限从大约公元前 75,000 年开始。

**《中华人民共和国政府和美利坚合众国政府对旧石器时代到唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上艺术实施进口限制的谅解备忘录》于 2014 年顺延**

**修订的第二条**

**公众意识/宣传**

一、中华人民共和国政府代表和美利坚合众国政府代表应通过所有可用的媒体渠道定期宣传本谅解备忘录内容及其签署缘由。

二、中华人民共和国政府和美利坚合众国政府应按照联合国教科文组织 1970 年公约的精神，继续提高公众对于保护文化遗产免遭盗劫和破坏的长远重要意义的认识。

**保护/ 保存**

三、中华人民共和国政府应继续尽其最大努力，对可移动文物的收藏进行清点登记，利用文物普查对考古地点进行清点登记，扩大以研究为基础的考古学并提高公众对其重要性的认识。

四、中华人民共和国政府应尽其最大努力，培训和部署专职安全保卫人员并扩大安全技术的使用，以减少在全国范围内（特别是在偏远地区和高危地区内）对文化财产的盗劫，并提高政府工作人员和雇员辨别中国考古资料及其对中国文化遗产价值的能力。

五、中华人民共和国政府应尽其最大努力，促进在博物馆研究、考古学以及文化资源管理方面的教育。两国将寻求通过有效的现有项目和其他方式的合作，对这些工作提供支持。

六、美利坚合众国政府应尽其最大努力，促进对中华人民共和国政府的技术协助，以达到保存中国文化遗产的目标。协助可以通过改善文化资源管理，加固和修复古迹、遗址，提高遗迹遗址和博物馆安全防范能力，以及增强博物馆保存和展出其古代遗产藏品能力等方式进行。

## 合作/交流

七、美利坚合众国政府认识到，中华人民共和国政府为使广大民众能够欣赏并合法接触中国的丰富文化遗产，而准许以文化、教育和科学为目的的考古资料的国际交流。中华人民共和国政府同意尽其最大努力，以如下方式推动此类交流：

（一）继续鼓励博物馆出借考古资料，包括最近出土的物品，用于研究和公开展览；

（二）鼓励中国博物馆与美国同行共同努力采取措施，包括但不限于，及时确定相关的合同和出借物品的清单，并尽量减少与展览相关的各类困难；

（三）为文物赴美展览提供便利，允许文物出国展出一次最长不超过两年，增加在一个展览中允许展出的一级文物数量，考虑给予有限数量的文物最长不超过五年的长期出借展览期。

(四) 通过简化和进一步明确申请程序, 为到中国进行考古研究所需许可证的签发提供便利。

八、对于同时满足下列四项条件的中国文物, 中华人民共和国政府应寻求立法措施允许其再出境: (1) 作为中国私人祖传收藏的部分合法出口的, (2) 物主间合法转让的, (3) 由中国居民购买和携带入境的, (4) 进境中国时已申报并在有关部门登记的。

## 执法

九、中华人民共和国政府应继续采取措施提高海关人员制止在边境和口岸非法出口文化财产的效能。美利坚合众国政府应加大努力提高其海关人员辨别中国考古资料的能力, 并适时为协助中国培训其海关人员提供便利。

十、中华人民共和国中央政府应与香港特别行政区和澳门特别行政区共同加强努力, 制止盗劫或偷窃于内地的文物流入并流出这些地区。

十一、中华人民共和国政府应设法加强执行对其文物市场的管理, 以减少非法交易。

十二、两国政府同意, 为了使美国的进口限制最有效地制止盗劫, 中华人民共和国政府应努力加强亚洲的区域合作, 以保护文化遗产; 同时, 为努力制止在中国的进一步盗劫, 应寻求加强与其他进口国的进一步合作, 对进口从中国盗劫的考古材料加以限制。

## 信息分享

### 十三、为加强两国间合作：

（一）中华人民共和国政府将每年向美利坚合众国政府提供与本备忘录相关的盗窃、盗掘和贩运（非法交易与走私）、滥用职权的犯罪信息与统计数据，及在可能情况下上述案件的起诉和判决情况。

（二）美利坚合众国政府将酌情适时向中华人民共和国政府提供贩运（非法交易与走私）中国文化财产等相关信息，以加强两国执行适用法律法规的能力，减少此类贩运（非法交易与走私）。