Summary: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological and ethnological material of Bolivia. The restrictions, which were originally imposed by Treasury Decision (T.D.) 01–86 and last extended by CBP Decision (CBP Dec.) 16–24, are due to expire on December 4, 2021. The Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that factors continue to warrant the imposition of import restrictions and no cause for suspension exists. Pursuant to the exchange of diplomatic notes to extend the agreement, the import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension until December 4, 2026. T.D. 01–86 contains the Designated List of archaeological and ethnological material from Bolivia to which the restrictions apply.


For Further Information Contact: For legal aspects, W. Richard Beevers, Branch Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, ortrculturalproperty@cbp.dhs.gov. For operational aspects, Julie L. Stoeber, Chief, 1USG Branch, Trade Policy and Programs, Office of Trade, (202) 945–7064. 1USGBranch@cbp.dhs.gov.

Supplementary Information:

Background

Pursuant to the Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 et seq., which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)), the United States entered into a bilateral agreement with the Plurinational State of Bolivia (Bolivia) on December 4, 2001, concerning the imposition of import restrictions on certain archaeological and ethnological material of Bolivia. On December 7, 2001, the U.S. Customs Service (U.S. Customs and Border Protection’s predecessor agency) published Treasury Decision (T.D.) 01–86 in the Federal Register (66 FR 63490), which amended section 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a)) to reflect the imposition of these restrictions and included a list designating the types of articles covered by the restrictions.

Import restrictions listed at 19 CFR 12.104g(a) are 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.

Since the initial final rule was published on December 7, 2001, the import restrictions were subsequently extended three (3) times. First, on December 1, 2006, following the exchange of diplomatic notes, U.S. Customs and Border Protection (CBP) published a final rule (CBP Dec. 06–26) in the Federal Register (71 FR 69477) to extend the import restrictions for a period of five years to December 4, 2011. Second, on December 1, 2011, following the exchange of diplomatic notes, CBP published a final rule (CBP Dec. 11–24) in the Federal Register (76
FR 74690) to extend the import restrictions for an additional five-year period to December 4, 2016. Third, on December 6, 2016, following the exchange of diplomatic notes, CBP published a final rule (CBP Dec. 16–24) in the Federal Register (81 FR 87804) to extend the import restrictions for an additional five-year period to December 4, 2021.

On September 14, 2020, the United States Department of State proposed in the Federal Register (85 FR 56681) to extend the Memorandum of Understanding (MOU) between the United States and Bolivia concerning the imposition of import restrictions on certain categories of archaeological and ethnological material from Bolivia. On April 20, 2021, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendations by the Cultural Property Advisory Committee, determined that the cultural heritage of Bolivia continues to be in jeopardy from pillage of certain archaeological and ethnological material, and that the import restrictions should be extended for an additional five years. Pursuant to the exchange of diplomatic notes to extend the agreement, the import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension until December 4, 2026.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the agreement, the import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension until December 4, 2026.

Importation of such material from Bolivia continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List and additional information may also be found at the following website address: https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/current-import-restrictions by selecting the material for “Bolivia.”

**Inapplicability of Notice and Delayed Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

**Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply.

**Executive Order 12866**

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

**Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury’s authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

Troy A. Miller, the Acting Commissioner, having reviewed and approved this document, is delegating the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the Federal Register.

**List of Subjects in 19 CFR Part 12**

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, Reporting and recordkeeping requirements.

**Amendment to CBP Regulations**

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The general authority citation for part 12 and the specific authority citation for §12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

2. In §12.104g, amend the table in paragraph (a) by revising the entry for Bolivia to read as follows:

<table>
<thead>
<tr>
<th>State party</th>
<th>Cultural property</th>
<th>Decision No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>* * * * * * *</td>
<td>Archaeological and Ethnological Material from Bolivia</td>
<td>T.D. 01–86 extended by CBP Dec. 21–18.</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 21–17]

RIN 1515–AE70

Extension and Amendment of Import Restrictions on Archaeological Material and Imposition of Import Restrictions on Ethnological Material of Egypt

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension and amendment of import restrictions on certain archaeological material and the imposition of import restrictions on ethnological material of the Arab Republic of Egypt (Egypt). The restrictions on archaeological material, which were originally imposed by CBP Dec. 16–23, were extended and amended on November 30, 2021. The Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has made the requisite determinations for extending and updating the import restrictions that previously existed, and the Governments of the United States and Egypt entered into a new agreement to reflect the extension of these import restrictions. Additionally, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has made the requisite determinations for adding import restrictions on certain categories of ethnological material. The new agreement, which entered into force on November 30, 2021, supersedes the existing Memorandum of Understanding (MOU) that became effective on November 30, 2016, and enabled the promulgation of the existing import restrictions. Accordingly, the current import restrictions and new import restrictions will be effective until November 30, 2026, and the CBP regulations are being amended to reflect this extension and imposition. To fulfill the terms of the new MOU, the Designated List of cultural property, which was described in CBP Dec. 16–23, is amended in this document to reflect the addition and revision of categories of archaeological material of Egypt ranging in date from approximately 300,000 B.C. to A.D. 1750, and to include certain ethnological material ranging from A.D. 1517 to 1914.

DATES: Effective on December 1, 2021.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, ot-otrrculturalproperty@cbp.dhs.gov. For operational aspects, Julie L. Stoebcr, Chief, IUSG Branch, Trade Policy and Programs, Office of Trade, (202) 945–7064, IUSGBranch@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 et seq. (hereinafter, “the Cultural Property Implementation Act”), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter, “the Convention” (823 U.N.T.S. 231 (1972))), the United States entered into a bilateral agreement with the Arab Republic of Egypt (Egypt) on November 30, 2016. The Memorandum of Understanding (MOU) enabled the promulgation of import restrictions on certain archaeological material representing Egypt’s cultural heritage ranging from approximately 300,000 B.C. to A.D. 1750. On December 6, 2016, U.S. Customs and Border Protection (CBP) published CBP Dec. 16–23 in the Federal Register (81 FR 87805), which amended § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a)) to reflect the imposition of import restrictions and included a list designating the types of archaeological material covered by the restrictions.

Import restrictions listed at 19 CFR 12.104g(a) are 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. See 19 CFR 12.104g(a).

On February 5, 2021, the United States Department of State proposed in the Federal Register (86 FR 8476), to extend and amend the MOU between the United States and Egypt concerning the import restrictions on certain categories of archeological material of Egypt. On August 15, 2021, after consultation with and recommendations by the Cultural Property Advisory Committee, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, determined that: (1) Egypt’s cultural heritage continues to be in jeopardy from pillage of archeological resources and that the import restrictions should be updated and extended for an additional five years; and (2) Egypt’s cultural heritage is in jeopardy from pillage of certain types of ethnological material, from Egypt, ranging in date from A.D. 1517 to A.D. 1914, and import restrictions on such types of ethnological material should be imposed.

Subsequently, on November 30, 2021, the Governments of the United States and Egypt entered into a new agreement, titled “Memorandum of Understanding Between the Government of the United States of America and the Government of the Arab Republic of Egypt Concerning the Imposition of Import Restrictions on Categories of Cultural Property of Egypt.” The new MOU supersedes the existing agreement that first entered into force on November 30, 2016. Pursuant to the new MOU, the import restrictions for archaeological material are updated and will be effective until November 30, 2026, along with the imposition of additional import restrictions on certain categories of ethnological material, which will also be effective until November 30, 2026.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions and amending the Designated List of cultural property described in CBP Dec. 16–23 with the addition and revision of categories of archaeological material of Egypt ranging in date from approximately 300,000 B.C. to A.D. 1750, as set forth below. The Designated List of cultural property described in CBP Dec. 16–23 is also amended by adding certain categories of ethnological material of Egypt ranging...