DATES: Effective on March 17, 2022.

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-ottculturalproperty@cbp.dhs.gov. For operational aspects, Julie L. Steoher, Chief, IUSG Branch, Trade Policy and Programs, Office of Trade, (202) 945–7064, IUSGBranch@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

The Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 et seq. (hereinafter, "the Cultural Property Implementation Act"), 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)). Pursuant to the Cultural Property Implementation Act, the United States entered into a bilateral agreement with the Republic of Albania (Albania) to impose import restrictions on certain archaeological and ethnological material from Albania. This rule announces the imposition of import restrictions on certain archaeological and ethnological material from Albania.

Determinations

Under 19 U.S.C. 2602(a)(1), the United States must make certain determinations before entering into an agreement to impose import restrictions under 19 U.S.C. 2602(a)(2). On May 26, 2021, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendation by the Cultural Property Advisory Committee, made the determinations required under the statute with respect to certain archaeological and ethnological material originating in Albania that is described in the Designated List set forth below in this document.

These determinations include the following: (1) That Albania's cultural heritage is in jeopardy from pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(B)); (2) that import restrictions imposed by the United States would be of substantial benefit in deterring a serious situation of pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(C)); and (3) that the application of import restrictions as set forth in this final rule is consistent with the general interests of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes (19 U.S.C. 2602(a)(1)(D)). The Acting Assistant Secretary also found that the material described in the determinations meets the statutory definition of "archaeological or ethnological material of the State Party" (19 U.S.C. 2601(2)).

The Agreement

On August 23, 2021, the Governments of the United States and Albania signed a bilateral agreement, "Memorandum of Understanding between the United States of America and the Republic of Albania Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Albania" (hereinafter, "the Agreement"), pursuant to the provisions of 19 U.S.C. 2602(a)(2). The Agreement entered into force on February 28, 2022, following the exchange of diplomatic notes, and enables the promulgation of import restrictions on certain categories of archaeological material ranging in date from approximately 300,000 B.C. to A.D. 1750, and ethnological material ranging in date from approximately A.D. 400 to 1913. A list of the categories of archaeological and ethnological material subject to the import restrictions is set forth later in this document.

Restrictions and Amendment to the Regulations

In accordance with the Agreement, importation of material designated below is subject to the restrictions of 19 U.S.C. 2606 and § 12.104(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104(a)) and will be restricted from entry into the United States unless the conditions set forth in 19 U.S.C. 2606 and § 12.104c of the CBP regulations (19 CFR 12.104c) are met. CBP is amending § 12.104(a) of the CBP regulations (19 CFR 12.104(a)) to indicate that these import restrictions have been imposed.

Import restrictions listed at 19 CFR 12.104(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 Agreement still pertain and no cause for suspension of the Agreement exists. The import restrictions will expire on February 28, 2027, unless extended.

**Designated List of Archaeological and Ethnological Material of Albania**

The Agreement between the United States and Albania includes, but is not limited to, the categories of objects described in the Designated List set forth below. Importation of material on this list is restricted unless the material is accompanied by documentation certifying that the material left Albania legally and not in violation of the export laws of Albania.

The Designated List includes certain archaeological and ethnological material from Albania. The archaeological material in the Designated List includes archaeological material from the Middle Paleolithic to the Ottoman period, ranging in date from approximately 300,000 B.C. to A.D. 1750. The ethnological material in the Designated List includes ethnological material from the Byzantine, Medieval, and Ottoman periods, ranging in date from approximately A.D. 400 to Albanian independence in 1913. The Designated List is representative only. Any dates and dimensions are approximate.

**Simplified Chronology**

**Paleolithic:** c. 300,000–10,000 B.C.
**Mesolithic:** c. 10,000–6,000 B.C.
**Neolithic:** c. 6,000–4500 B.C.
**Eneolithic/Chalcolithic/Copper Age:** c. 4500–3100 B.C.
**Bronze Age:** c. 3100–1000 B.C.
**Iron Age:** c. 1000–450 B.C.
**Proto-Urban/Urban period:** c. 650–27 B.C.
**Roman period:** 27 B.C.–A.D. 395
**Byzantine/Medieval period:** A.D. 395–c. 1500
**Ottoman period:** c. A.D. 1500–1913

**Categories of Archaeological and Ethnological Material**

1. **Archaeological Material**
   - A. Stone
   - B. Metal
   - C. Ceramic, Clay, and Terracotta
   - D. Bone, Ivory, Shell, Wood, and Other Organics
   - E. Glass, Faience, and Semi-Precious Stone
   - F. Textiles
   - G. Leather, Papyrus, and Parchment
   - H. Rock Art, Paintings, and Drawings
   - I. Mosaics
   - II. Ethnological Material
     - A. Architectural Elements
     - B. Funerary Objects
     - C. Ritual and Ceremonial Objects
     - D. Paintings
   - E. Written Records
   - F. Textiles
   - G. Weapons and Armor

2. **Ethnological Material**
   - A. Architectural Elements
   - B. Funerary Objects
   - C. Ritual and Ceremonial Objects
   - D. Paintings

3. **Simplified Chronology**

   - **Paleolithic:** c. 300,000–10,000 B.C.
   - **Mesolithic:** c. 10,000–6,000 B.C.
   - **Neolithic:** c. 6,000–4500 B.C.
   - **Eneolithic/Chalcolithic/Copper Age:** c. 4500–3100 B.C.
   - **Bronze Age:** c. 3100–1000 B.C.
   - **Iron Age:** c. 1000–450 B.C.
   - **Proto-Urban/Urban period:** c. 650–27 B.C.
   - **Roman period:** 27 B.C.–A.D. 395
   - **Byzantine/Medieval period:** A.D. 395–c. 1500
   - **Ottoman period:** c. A.D. 1500–1913
daggars, knives, axes, double axes, hooks, weights, scrapers, towels, keys, strigils, and other tools of physicians and artisans.

5. Weapons and Armor—In copper, bronze, lead and iron. This category includes common weapon types, such as daggers, arrows, swords, spears, javelins, axes, rapiers, and maces. Body armor is also included, such as helmets, cuirasses, shin guards, shields, horse armor, and chariot decoration. Some may have inscriptions or be otherwise decorated with engraved, embossed, or perforated designs.

6. Seals and Stamps—These are small devices with at least one side engraved with a design for sealing or stamping, often in bronze, copper, gold, silver, tin, or lead. Types include rings, amulets, stamps, and seals with shank.

7. Ship and Boat Material—Parts and fragments from shipwrecks in bronze, lead, and iron, including anchors.

8. Coins—This category includes coins of Illyrian, Greek, Macedonian, Roman provincial, Byzantine, Medieval, and Ottoman types that circulated primarily in Albania, ranging in date from approximately the 6th century B.C. to A.D. 1750. Coins were made in copper, bronze, silver, and gold. Examples are generally round, have writing, and show imagery of animals, buildings, symbols, or royal or imperial figures.

C. Ceramic, Clay, and Terracotta

1. Sculpture
   a. Architectural Elements—Baked clay (terracotta) elements used to decorate buildings. Elements include tiles, acroteria, antefixes, painted and relief plaques, metopes, cornices, roof tiles, pipes, and revetments, as well as wall and floor decorations in plaster. May be painted as icons.
   b. Statuary—Large and small statuary. Subject matter includes human and animal figures and groups of figures in the round, human body parts, shrines, houses, ovens, rhyta, strainers, and chariots. This includes figurines which may be anthropomorphic, zoomorphic, vegetal, furniture-like, schematic, or flat.
   c. Vessels—Ceramic types, forms, and decoration vary among archaeological styles over time. Forms may be handmade or produced with ceramic wheels, plain or decorated, and may be glazed, unglazed, slipped, painted, burnished, engraved, and/or incised. They may be produced in Albania or imported at or near the time of production. Some of the most well-known types are highlighted below:
      a. Neolithic Pottery—Early Neolithic types include thick-walled, coarse, fine, fine with sand inclusion, red, brown, and black pottery. Decorations, applications, and paint include sandy slip, barbotine, red monochrome, or dark brown paint on red barbotine ware. Middle Neolithic types include gray or black, lustrous, incised, and beaded pottery. Decorations include incised bands filled with dots or lines, incised spiral motifs, or white paint. Late Neolithic types include light yellow ochreous fabric, red ochreous fabric with painted decoration, black ware with incisions and appliqués, brown on light painted clay mixed with sand, brown with broad lines and triangles, unpolished, net patterns, zig-zag lines, fine, polished, painted, multi-colored, linear-geometric, and spiral pottery. Shapes include globular, spherical, hemispherical, and biconical vessels.
      b. Chalcolithic Pottery—This category includes similar types and decorations as described above for earlier periods, with the addition of thick-walled, thin-walled mixed with sand, gray surface, brown surface, black surface, fine, and gray-black pottery. They may be painted, incised, encrusted, recessed, or in relief, sometimes representing combined techniques. Prominently black monochrome with fluted decoration. Shapes include squat biconical bodies with cylindrical necks and bowls with incurring rims.
      c. Bronze Age Pottery—Types include thick-walled and thin-walled vessels, which are black, gray, gray-black, red, light beige, or ochreous yellow, handmade and wheel-made, as well as Mycenaeans (Late Helladic) imported wares. Decorations include bands, punctuated plastic bands, incised linear or curvilinear motifs, geometric motifs, horizontal bands with or without holes, finger impressed bands, matte-painted with geometric patterns, applied plastic decoration, monochrome painted motifs, and/or piercing at juncture of rim and handle. Shapes include pots with handles rising above the rim, vessels with wide necks and exaggerated vertical handles, vessels with bulbous bodies, wide necks, and thick lips, cups with handles, piriform cups with handles that rise above the rim, vessels with elbow or axleblade-shaped handles, vessels with wish bone handles, bowls, vessels with wide throats, vessels with horizontal handles, vessels with handle and spout, short open vessels with two handles, and double vessels.
      d. Iron Age Pottery—Types include brown, gray, red, black, clean fabric mixed with sand, thin-walled, and smooth surface pottery. Both handmade and wheel-made. Decorations include brown matte-painted linear or curvilinear motifs, narrow ribbing, incised geometric patterns, including triangles and concentric bands, and red paint on black glaze. Shapes include vessels with globular bodies and cylindrical or conical necks with vertical handles, jars with globular necks, beaked jugs, spherical vessels, double vessels, vessels with narrow throats, vessels with handles rising above the rim, pots, beaked oinochoe, skyphoi, amphorae, conical bowls with upright or incurving rims, hemispherical bowls, cups with various profiles, chalices, biphora, and vessels with four handles.
      e. Illyrian, Greek, and Hellenistic Pottery—Types include thin and thick-walled vessels; proto-Corinthian, Corinthian, Attic, Devollian, black-glazed, and other types. Decorations include thick black gloss, as well as Attic and other imported Black Figure and Red Figure vessels, including local imitations of these types. Shapes include lekythoi (small, thin-walled jars), large storage amphorae, oinochoe, pyxides, unguentaria, skyphoi, and others.
      f. Roman Pottery—Types include fine ware, coarseware, red gloss, red slip, black slip, lead glaze, and others. Shapes include cooking ware, jars, beakers, bowls, plates, vases, amphorae, and others.
      g. Byzantine/Medieval Pottery—Types include thin and thick-walled vessels with fine to coarse fabrics, often deep red to purplish with lime inclusions and sandy texture, or dark orange with many lime inclusions and voids. Decorations include red slips, plain glazes, colored glazes, particularly green and silver, graffito incised naturalistic, geometric, and figural decoration, painted geometric motifs, including dots, ridge surface treatment, and proto-Maiolica ware. Shapes include amphorae, open and closed jugs, large storage vessels with small handles, and shallow plate-like vessels.
      h. Ottoman Pottery—Types include thick and thin-walled vessels with fine to coarse fabrics, often deep red to purplish with lime inclusions and sandy texture. Decorations include plain glazes, colored glazes, particularly green and brown, painted glaze, graffito incised decoration, painted geometric motif, and Maiolica ware.

2. Objects of Daily Use—This type includes objects of daily use including tools, spindle whorls, weights, and lamps.

3. Inscriptions—These are typically unbaked and should be handled with care, even when hard fired through accidental burning. They typically take the form of tablets, which
may be shaped like leaves or may be rectangular or square. In various languages and scripts.

D. Bone, Ivory, Shell, Wood, and Other Organics

1. Small Statuaries and Figurines—This category includes human and animal figures and groups of figures in the round.

2. Personal Ornaments and Objects of Daily Use—In bone, ivory, shell, amber, and other organics. Types include tools, ornaments, beads, amulets, combs, pins, spoons, small containers, bracelets, and buckles.

3. Seals and Stamps—These are small objects with at least one side engraved with a design for stamping or sealing. They may be discoid, cuboid, conoid, or in the shape of animals or mythological creatures.

4. Tools and Weapons—Bone, ivory, and horn were used to produce and decorate weapons and tools. Types include needles, awls, chisels, hoes, picks, knives, spearheads, harpoons, and blades.

5. Human and Animal Remains—Skeletal remains from human and animal bodies, found in burials or preserved in other contexts.

6. Musical Instruments—In bone, ivory, and tortoise shell. Types include pipes and flutes.

7. Inscriptions and Writing—On wood, particularly wooden sticks, ivory, and others. In various languages and scripts.

8. Ship and Boat Material—This includes whole or pieces that compose a ship or boat, including logs, planks, and other fittings.

E. Glass, Faience, and Semi-Precious Stone

1. Architectural Elements—This category includes glass inlay and tesserae pieces from floor and wall mosaics, mirrors, and windows.

2. Vessels—Types include small jars, bowls, animal shaped containers, goblets, spherical containers, candle holders, and perfume jars (unguentaria).

3. Beads and Jewelry—Jewelry such as bracelets and rings, pendants, and beads in various shapes (e.g., circular or globular), may be decorated with symbolic and/or floral reliefs.

F. Textiles

This category includes clothing or clothing fragments, carpets, flags or banners, flag bags, wall hangings, blankets, and textiles used during religious practice, and includes objects made from linen, wool, cotton, and silk.

G. Leather, Papyrus, and Parchment

1. Leather—This category includes bags, furniture parts, masks, shields, cases and containers for a variety of uses, sandals, clothing, and manuscript covers. There are examples of religious and/or rare books that were written on leather pages.

2. Papyrus—Documents made from papyrus and written upon. These are often rolled and/or fragmentary.

3. parchment—Writing material made of animal skin and used to produce manuscripts, including religious, liturgical, and scientific works. These may be single leaves or bound as books or scrolls. These may also have illustrations or illuminated paintings with gold and other colors.

H. Rock Art, Paintings, and Drawing

1. Rock Art—Types include human-made markings on stone, cave walls, or rocks in open air, and may be carved or painted. The earliest known examples date from approximately 10,000 B.C.

2. Wall Paintings—This category includes paintings from buildings and tombs. Several methods were used, such as wet-fresco and dry-fresco, and the paintings may be applied to plaster, wood, or stone. Types include simple applied color, bands and borders, landscapes, scenes of people and/or animals in natural or built settings, and religious themes. Tomb paintings may depict gods, goddesses, or funerary scenes, and date primarily from the first millennium BC through the 6th century A.D.

3. Panel Painting (Icons)—An icon is a work of art for religious devotion, normally depicting saints, angels, or other religious figures. These are painted on a wooden panel, often for inclusion in a wooden screen (iconostasis), or else painted onto ceramic panels. May be partially covered with gold or silver, sometimes encrusted with precious or semi-precious stone.

I. Mosaics

Mosaics are a combination of small three-dimensional pieces of colored stone or glass (tesserae) to create motifs, such as geometric shapes, mythological scenes, floral or animal designs, natural motifs, such as landscapes, and depictions of daily chores. These were generally applied to walls, ceilings, or floors.

II. Ethnological Material

Ethnological material covered by the Agreement includes, but is not limited to, architectural elements from historic or religious structures, funerary objects, ritual and ceremonial objects, paintings, written records, textiles, and weapons and armor; all of which contribute to the knowledge of the origins, development, and history of the Albanian people. This includes objects from approximately A.D. 400, starting in the Byzantine period, through the Medieval and Ottoman periods, ending in A.D. 1913, with Albania’s independence.

A. Architectural Elements

This category includes architectural elements and decoration from religious and historic buildings in all materials. These buildings have distinctive characteristics described below. Examples of architectural elements covered by the Agreement include, but are not limited to, the following objects:

1. Structural and Decorative

Architectural Elements—This category includes material from religious or public buildings in stone, ceramic, plaster, wood, and other organic elements, which includes blocks; columns, capitals, bases, lintels, jambs, friezes, and pilasters; beams, panels, doors, door frames, and window fittings; alts and altar partitions, prayer niches (mihrab), circular marking slabs (omphalion), screens, iconostases, fountains, ceilings, and carved, molded, or painted brick and tile. Metal elements are primarily in copper, brass, lead, and alloys, and may include doors, door fixtures, lathes, finials, chandeliers, screens, and sheets to protect domes. Glass may be incorporated into either structural or decorative elements. This category also includes relief and inlay sculpture, including appliques and plaques that may have been part of a building. May be plain, molded, carved, or inscribed. Decorative motifs may be incised or in high relief, and may include religious, floral, human, animal, or other motifs.

2. Mosaics—Wall or floor mosaics generally portray religious images and scenes of biblical events. Surrounding panels may contain animal, floral, or geometric designs. They are made from stone and glass cut into small pieces (tesserae) and laid into a plaster matrix.

B. Funerary Objects

This category includes objects related to funerary rites and burials in all materials. Examples of funerary objects covered by the Agreement include, but are not limited to, the following objects:

1. Sepulchers—Sepulchers are repositories for human or animal remains, in stone (usually marble or limestone), metal, and wood. Types of burial containers include sarcophagi, baskets, coffins, and chest urns. These may also have associated sculpture in relief or in the round. May be plain or
have figural, geometric, or floral motifs, either painted or carved in relief. May also contain human or animal remains.

2. Inscriptions, Memorial Stones, Epitaphs, and Tombstones—This category includes inscribed funerary objects, primarily slabs in marble and ceramic; most frequently engraved with Ottoman Turkish or Greek. These may also have associated sculpture in relief or in the round.

3. Funerary Offerings—This category includes objects in all materials; shrouds and body adornment, such as clothing, jewelry, and accessories; idols, figurines, vessels, beads, weapons, or other ritual or ceremonial offerings; and writing implements, books, and manuscripts.

C. Ritual and Ceremonial Objects

This category includes objects for use in religious services (Christian, Islamic, or other) or by the state (Byzantine Empire, Medieval period rulers, and Ottoman Empire). Examples of ritual and ceremonial objects covered by the Agreement include, but are not limited to, the following objects:

1. Religious Objects—This category includes objects in all materials, such as lamps, libation vessels, patens, pitchers, chalices, plates, censers, candelabra, crosses and cross pendants, pilgrim flasks, tabernacles, boxes and chests, carved diptychs, triptychs, plaques and appliqués, cast metal icons, liturgical carved diptychs, triptychs, plaques and flasks, tabernacles, boxes and chests, lamps, libation vessels, patens, pitchers, to, the following objects:

2. State Ceremonial Objects—This category includes written records with semi-precious or precious stones, embossed with gold and/or silver, or engraved with floral or geometric motifs and inscriptions. Grips or hilts may be made of metal, wood, and/or semi-precious stones, such as agate, and bound with leather. Armor consists of small metal scales, originally sewn to a backing of cloth or leather, and augmented by helmets, body armor, shields, and horse armor.

3. Works on Leather and Paper—This category includes written records of religious, ritual, ceremonial, political, or scientific importance, including, but not limited to, works on papyrus, vellum or parchment, paper, or leather. Papyrus documents are often rolled and/or fragmentary. Parchment and paper documents may be single leaves or bound as scrolls or books. They may have illustrations or illuminated paintings with gold or other colors, or be otherwise embellished with colorful floral or geometric motifs. There are also examples of Korans (Qurans) and other religious and/or rare books written on leather pages. This category also includes boxes for books or scrolls made of wood or other organic materials and book or manuscript covers made of leather, textile, or metal.

E. Written Records

This category includes written records of religious, ritual, ceremonial, political, or scientific importance, including, but not limited to, works on papyrus, vellum or parchment, paper, or leather. Papyrus documents are often rolled and/or fragmentary. Parchment and paper documents may be single leaves or bound as scrolls or books. They may have illustrations or illuminated paintings with gold or other colors, or be otherwise embellished with colorful floral or geometric motifs. There are also examples of Korans (Qurans) and other religious and/or rare books written on leather pages. This category also includes boxes for books or scrolls made of wood or other organic materials and book or manuscript covers made of leather, textile, or metal.

F. Textiles

1. Traditional Clothing—Traditional Albanian folk clothing including headdresses (qele she, pilis, Albanian hat, qylafti, kapica, langi, leve, kryqe), pants and upper body covers (fustanella, tirq, brekusha, xhubleta, mbeshjetelleje), vests (xhamadan), belts (brez), socks (corape), and shoes (opinga).

2. Religious Vestments and Textiles—In linen, silk, and wool. This category includes religious textiles and fragments from mosques, churches, shrines, tombs, and monuments, including garments, hangings, prayer rugs, and shrine covers, as well as robes, vestments and altar clothes that are often embroidered in silver and gold. Embroidered designs include religious motifs and floral and geometric designs.

G. Weapons and Armor

This category includes weapons and armor in all materials. This includes daggers, swords, saifs, scimitars, other blades, with or without sheaths, as well as spears, firearms, and cannons. These may be inlaid with gemstones, embellished with silver or gold, or engraved with floral or geometric motifs and inscriptions. Grips or hilts may be made of metal, wood, and/or semi-precious stones, such as agate, and bound with leather. Armor consists of small metal scales, originally sewn to a backing of cloth or leather, and augmented by helmets, body armor, shields, and horse armor.

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.
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.

2. In § 12.104g, the table in paragraph (a) is amended by adding Albania in alphabetical order to read as follows:

§ 12.104g  Specific items or categories designated by agreements or emergency actions.

(a) * * *

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 22–05]

RIN 1515–AE71

Import Restrictions Imposed on Categories of Archaeological and Ethnological Material of Nigeria

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

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect the imposition of import restrictions on certain categories of archaeological and ethnological material from the Federal Republic of Nigeria ("Nigeria"). These restrictions are being imposed pursuant to an agreement between the United States and Nigeria that has been entered into under the authority of the Convention on Cultural Property Implementation Act. This document amends the CBP regulations by adding Nigeria to the list of countries which have a bilateral agreement with the United States that imposes cultural property import restrictions. This document also contains the Designated List that describes the types of archaeological and ethnological material to which the restrictions apply.

DATES: Effective on March 17, 2022.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beever, Branch Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, ot-culturalproperty@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

The Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 et seq. ("the Cultural Property Implementation Act"), 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 ("the Convention") (823 U.N.T.S. 231 (1972)). Pursuant to the Cultural Property Implementation Act, on January 20, 2022, the United States entered into a bilateral agreement with the Federal Republic of Nigeria ("Nigeria") to impose import restrictions on certain archaeological and ethnological material from Nigeria. This rule announces that the United States is now imposing import restrictions on certain archaeological and ethnological material from Nigeria.

Determinations

Under 19 U.S.C. 2602(a)(1), the United States must make certain determinations before entering into an agreement to impose import restrictions under 19 U.S.C. 2602(a)(2). On March 9, 2021, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendation by the Cultural Property Advisory Committee, made the determinations required under the statute with respect to certain archaeological and ethnological material originating in Nigeria that is described in the Designated List set forth below in this document.

These determinations include the following: (1) That the cultural patrimony of Nigeria is in jeopardy from the pillage of certain types of archaeological material representing Nigeria’s cultural heritage dating from approximately 1500 B.C. to A.D. 1770; and certain categories of ethnological material dating from approximately A.D. 200 to the early 20th century A.D. (19 U.S.C. 2606(a)(1)(A)); (2) that the Nigerian government has taken measures consistent with the Convention to protect its cultural patrimony (19 U.S.C. 2602(a)(1)(B)); (3) that import restrictions imposed by the United States would be of substantial benefit in deterring a serious situation of pillage and remedies less drastic are not available (19 U.S.C. 2602(a)(1)(C)); and (4) that the application of import restrictions as set forth in this final rule is consistent with the general interests of the international community in the interchange of cultural property among