

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 11-24]

RIN 1515-AD83

EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIAL FROM BOLIVIA

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 of import restrictions on certain archaeological and ethnological material from Bolivia. The restrictions, which were originally imposed by Treasury Decision (T.D.) 01-86 and last extended by CBP Dec. 06-26, are due to expire on December 4, 2011. The Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that conditions continue to warrant the imposition of import restrictions. Accordingly, these import restrictions will remain in effect for an additional 5 years, and the CBP regulations are being amended to reflect this extension through December 4, 2016. These restrictions are being extended pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act in accordance with the 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. T.D. 01-86 contains the Designated List of archaeological and ethnological material from Bolivia to which the restrictions apply.

EFFECTIVE DATE: December 2, 2011.

FOR FURTHER INFORMATION CONTACT: For legal aspects, George F. McCray, Esq., Chief, Cargo Security, Carriers and Immigration Branch, Regulations and Rulings, Office of International Trade, (202) 325-0082. For operational aspects, Michael Craig, Chief, Interagency Requirements Branch, Trade Policy and Programs, Office of International Trade, (202) 863-6558.

SUPPLEMENTARY INFORMATION:

Pursuant to the provisions of the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*), the United States entered into a bilateral agreement with Bolivia on December 4, 2001, concerning the imposition of import restrictions on certain archaeological and ethnological material from Bolivia. On December 7, 2001, the United States Customs Service published Treasury Decision (T.D.) 01-86 in the **Federal Register** (66 FR 63490), which amended 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 in 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 can be extended for additional periods not to exceed 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 (19 CFR 12.104g(a)).

On August 26, 2011, after reviewing the findings and recommendations of the Cultural Property Advisory Committee, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, concluding that the cultural heritage of Bolivia continues to be in jeopardy from pillage of certain archaeological and ethnological materials, made the necessary determination to extend the import restrictions for an additional five years. On November 10, 2011, diplomatic notes were exchanged reflecting the extension of those restrictions for an additional five-year period.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The Designated List of Archaeological and Ethnological Material from Bolivia covered by these import restrictions is set forth in T.D. 01-86. The Designated List and accompanying image database may also be found at the following Internet Web site address: <http://exchanges.state.gov/heritage/culprop/blfact.html>.

The restrictions on the importation of these archaeological and ethnological materials from Bolivia are to continue in effect through December 4, 2016. Importation of such material continues to be restricted unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

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

Because this rule involves a foreign affairs function of the United States, it is not subject to Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1).

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

Amendment to the 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;

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Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;
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■ 2. In § 12.104g, paragraph (a), the table is amended in the entry for Bolivia by removing the words “extended by CBP Dec. 06–26” in the column headed “Decision No.” and adding in their place the words “extended by CBP Dec. 11–24”.

Dated: November 28, 2011.

ALAN D. BERSIN,
Commissioner,
U.S. Customs and Border Protection.

TIMOTHY E. SKUD,
Deputy Assistant
Secretary of the Treasury.

[Published in the Federal Register, December 1, 2011 (76 FR 74690)]



DEPARTMENT OF THE TREASURY
19 CFR Part 12

[CBP Dec. 11-25]

RIN 1515-AD84

**IMPORT RESTRICTIONS IMPOSED ON CERTAIN
ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIAL
FROM GREECE**

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 the imposition of import restrictions on certain archaeological and ethnological material from the Hellenic Republic (Greece). These restrictions are being imposed pursuant to an agreement between the United States and Greece that has been entered into under the authority of the Convention on Cultural Property Implementation Act in accordance with the 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 final rule amends CBP regulations by adding Greece to the list of countries for which a bilateral agreement has been entered into for imposing cultural property import restrictions. The final rule also contains the designated list that describes the types of archaeological and ethnological articles to which the restrictions apply.

EFFECTIVE DATE: December 1, 2011.

FOR FURTHER INFORMATION CONTACT: For legal aspects, George Frederick McCray, Esq., Chief, Cargo Security, Carriers &

Immigration Branch, Regulations and Rulings, Office of International Trade, (202) 325-0082. For operational aspects: Michael Craig, Chief, Interagency Requirements Branch, Trade Policy and Programs, Office of International Trade, (202) 863-6558.

SUPPLEMENTARY INFORMATION:

Background

The value of cultural property, whether archaeological or ethnological in nature, is immeasurable. Such items often constitute the very essence of a society and convey important information concerning a people's origin, history, and traditional setting. The importance and popularity of such items regrettably makes them targets of theft, encourages clandestine looting of archaeological sites, and results in their illegal export and import.

The United States shares in the international concern for the need to protect endangered cultural property. The appearance in the United States of stolen or illegally exported artifacts from other countries where there has been pillage has, on occasion, strained our foreign and cultural relations. This situation, combined with the concerns of museum, archaeological, and scholarly communities, was recognized by the President and Congress. It became apparent that it was in the national interest for the United States to join with other countries to control illegal trafficking of such articles in international commerce.

The United States joined international efforts and actively participated in deliberations resulting in 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)). U.S. acceptance of the 1970 UNESCO Convention was codified into U.S. law as the "Convention on Cultural Property Implementation Act" (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*) (the Act). This was done to promote U.S. leadership in achieving greater international cooperation towards preserving cultural treasures that are of importance to the nations from where they originate and contribute to greater international understanding of our common heritage.

Since the Act entered into force, import restrictions have been imposed on the archaeological and ethnological materials of a number of signatory nations. These restrictions have been imposed as a result of requests for protection received from those nations. More information on import restrictions can be found on the International Cultural Property Protection Web site (<http://exchanges.state.gov/heritage/culprop.html>).

This document announces that import restrictions are now being imposed on certain archaeological and ethnological materials from Greece.

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 July 12, 2011, the Assistant Secretary for Educational and Cultural Affairs, Department of State, made the determinations required under the statute with respect to certain archaeological materials originating in Greece that are described in the designated list set forth below in this document. These determinations include the following: (1) That the cultural patrimony of Greece is in jeopardy from the pillage of archaeological materials representing Greece's cultural heritage from the Upper Paleolithic (beginning approximately 20,000 B.C.) through the 15th century A.D. and ecclesiastical ethnological material representing Greece's Byzantine culture (approximately the 4th century through the 15th century A.D.) (19 U.S.C. 2602(a)(1)(A)); (2) that the Greek 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 nations for scientific, cultural, and educational purposes (19 U.S.C. 2602(a)(1)(D)). The Assistant Secretary also found that the materials described in the determinations meet the statutory definition of "archaeological or ethnological material of the state party" (19 U.S.C. 2601(2)).

The Agreement

On July 17, 2011, the United States and Greece entered into a bilateral agreement pursuant to the provisions of 19 U.S.C. 2602(a)(2). Following completion of all internal legal requirements by the governments of Greece and the United States, the agreement entered into force on November 21, 2011, with the exchange of diplomatic notes. The agreement enables the promulgation of import restrictions on certain archaeological materials representing Greece's cultural heritage from the Upper Paleolithic (beginning approximately 20,000 B.C.) through the 15th century A.D. and ecclesiastical ethnological material representing Greece's Byzantine culture (approximately the 4th century through the 15th century A.D.) In this

document, CBP announces that import restrictions are now being imposed on certain archaeological and ethnological materials from Greece for a period of 5 years from the date the bilateral agreement between the United States and Greece entered into force. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect this imposition of import restrictions.

A list of the categories of archaeological and ethnological materials subject to the import restrictions (the Designated List) is set forth later in this document.

Restrictions and Amendment to the Regulations

In accordance with the Agreement, importation of materials designated below are subject to the restrictions of 19 U.S.C. 2606 and § 12.104g(a) of the Customs and Border Protection (CBP) regulations (19 CFR 12.104g(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 regulations (19 CFR 12.104c) are met. CBP is amending § 12.104g(a) of the CBP regulations (19 CFR 12.104g(a)) to indicate that these import restrictions have been imposed.

Designated List of Material Encompassed in Import Restrictions

The bilateral agreement between the United States and Greece includes, but is not limited to, the categories of objects described in the designated list set forth below. These categories of objects are subject to the import restrictions set forth above, in accordance with the above explained applicable law and the regulation amended in this document (19 CFR 12.104(g)(a)). The import restrictions cover complete objects and fragments thereof.

I. Archaeological Material

The archaeological materials represent the following periods, styles, and cultures: Upper Paleolithic, Neolithic, Minoan, Cycladic, Helladic, Mycenaean, Submycenaean, Geometric, Orientalizing, Archaic, Classical, Hellenistic, Roman, and Byzantine.

A. Stone

1. Sculpture

a. *Architectural Elements*—In marble, limestone, gypsum, and other kinds of stone. Types include acroterion, antefix, architrave, base, capital, caryatid, coffer, column, crowning, fountain, frieze,

pediment, pilaster, mask, metope, mosaic and inlay, jamb, tile, triglyph, tympanum, basin, wellhead. Approximate date: 3rd millennium B.C. to 15th century A.D.

b. *Monuments*—In marble, limestone, and other kinds of stone. Types include menhir, “horns of consecration,” votive statues, funerary and votive stelae, and bases and base revetments. These may be painted, carved with relief sculpture, and/or carry dedicatory or funerary inscriptions. Approximate date: 3rd millennium B.C. to 15th century A.D.

c. *Sarcophagi*—In marble, limestone, and other kinds of stone. Some have figural scenes painted on them, others have figural scenes carved in relief, and some just have decorative moldings. Approximate date: 3rd millennium B.C. to 15th century A.D.

d. *Large Statuary*—Primarily in marble, also in limestone and sandstone, including fragments of statues. Subject matter includes human and animal figures and groups of figures in the round. Common types are large-scale, free-standing statuary from approximately 1 m to 2.5 m in height and life-size busts (head and shoulders of an individual). The style may be naturalistic, as in the Classical Period, highly stylized, as in the Bronze Age culture of the Cyclades, or somewhere in between. Approximate date: 4th millennium B.C. to 15th century A.D.

e. *Small Statuary and Figurines*—In marble and other stone. Subject matter includes human and animal figures and groups of figures in the round. These range from approximately 10 cm to 1 m in height. The style may be naturalistic, as in the Classical Period, highly stylized, as in the Bronze Age culture of the Cyclades, or somewhere in between. Approximate date: 20,000 B.C. to 15th century A.D.

f. *Reliefs*—In marble and other stone. Types include carved slabs with figural, vegetative, floral, or decorative motifs, sometimes inscribed, and carved relief vases. Used for architectural decoration, funerary, votive, or commemorative monuments. Approximate date: 3rd millennium B.C. to 15th century A.D.

g. *Furniture*—In marble and other stone. Types include tables, thrones, and beds. Approximate date: 12th century B.C. to 15th century A.D.

2. *Vessels*—In marble, steatite, rock crystal, and other stone. These may belong to conventional shapes such as bowls, cups, jars, jugs, and lamps, or may occur in the shape of an animal or part of an animal. Approximate date: 7th millennium B.C. to 15th century A.D.

3. *Tools and Weapons*—In flint/chert, obsidian, and other hard stones. Chipped stone types include blades, small blades, borers, scrapers, sickles, cores, and arrow heads. Ground stone types include

grinders (*e.g.*, mortars, pestles, millstones, whetstones), choppers, axes, hammers, and mace heads. Approximate date: 20,000 B.C. to 15th century B.C.

4. *Seals and beads*—In marble, limestone, and various semiprecious stones including rock crystal, amethyst, jasper, agate, steatite, and carnelian. Approximate date: 6th millennium B.C. to 12th century B.C.

B. Metal

1. Sculpture

a. *Large Statuary*—Primarily in bronze, including fragments of statues. Subject matter includes human and animal figures and groups of figures in the round. Common types are large-scale, free-standing statuary from approximately 1 m to 2.5 m in height and life-size busts (head and shoulders of an individual). Approximate date: 2nd millennium to 324 A.D.

b. *Small Statuary and Figurines*—Subject matter includes human and animal figures, groups of figures in the round, masks, and plaques. These range from approximately 10 cm to 1 m in height. Approximate date: 3rd millennium B.C. to 324 A.D.

c. *Inscribed or Decorated Sheet Metal*—In bronze or lead. Engraved inscriptions, “curse tablets,” and thin metal sheets with engraved or impressed designs often used as attachments to furniture. Approximate date: 4th millennium B.C. to 15th century A.D.

2. *Vessels*—In bronze, gold, and silver. These may belong to conventional shapes such as bowls, cups, jars, jugs, strainers, cauldrons, and lamps, or may occur in the shape of an animal or part of an animal. Approximate date: 5th millennium B.C. to 15th century A.D.

3. *Personal Ornaments*—In bronze, gold, and silver. Types include rings, beads, pendants, belts, belt buckles, earrings, diadems, spangles, straight and safety pins, necklace, mirror, wreath, cuff. Approximate date: 7th millennium B.C. to 15th century A.D.

4. *Tools*—In copper, bronze and iron. Types include hooks, weights, axes, scrapers, (strigils), trowels, keys and the tools of craftspersons such as carpenters, masons and metal smiths. Approximate date: 4th millennium B.C. to 15th century A.D.

5. *Weapons and Armor*—In copper, bronze and iron. Types include both launching weapons (spears and javelins) and weapons for hand-to-hand combat (swords, daggers, *etc.*). Armor includes body armor, such as helmets, cuirasses, shin guards, and shields, and horse armor often decorated with elaborate engraved, embossed, or perforated designs. Approximate date: 6th millennium B.C. to 30 B.C.

6. *Seals*—In lead, tin, copper, bronze, silver, and gold. Types include rings, amulets, and seals with shank. Approximate date: Approximate date: 4th millennium B.C. to 15th century A.D.

7. *Coins*—Many of the mints of the listed coins can be found in B.V. Head, *Historia Numorum: A Manual of Greek Numismatics* (London, 1911) and C.M. Kraay, *Archaic and Classical Greek Coins* (London, 1976). Many of the Roman provincial mints in Greece are listed in A. Burnett *et al.*, *Roman Provincial Coinage I: From the Death of Caesar to the Death of Vitellius (44 BC–AD 69)* (London, 1992) and *id.*, *Roman Provincial Coinage II: From Vespasian to Domitian (AD 69–96)* (London, 1999).

a. *Greek Bronze Coins*—Struck by city-states, leagues, and kingdoms that operated in territory of the modern Greek state (including the ancient territories of the Peloponnese, Central Greece, Thessaly, Epirus, Crete and those parts of the territories of ancient Macedonia, Thrace and the Aegean islands that lay within the boundaries of the modern Greek state). Approximate date: 5th century B.C. to late 1st century B.C.

b. *Greek Silver Coins*—This category includes the small denomination coins of the city-states of Aegina, Athens, and Corinth, and the Kingdom of Macedonia under Philip II and Alexander the Great. Such coins weigh less than approximately 10 grams and are known as obols, diobols, triobols, hemidrachms, and drachms. Also included are all denominations of coins struck by the other city-states, leagues, and kingdoms that operated in the territory of the modern Greek state (including the ancient territories of the Peloponnese, Central Greece, Thessaly, Epirus, Crete, and those parts of the territories of ancient Macedonia, Thrace and the Aegean islands that lie within the boundaries of the modern Greek state). Approximate date: 6th century B.C. to late 1st century B.C.

c. *Roman Coins Struck in Greece*—In silver and bronze, struck at Roman and Roman provincial mints that operated in the territory of the modern Greek state (including the ancient territories of the Peloponnese, Central Greece, Thessaly, Epirus, Crete, and those parts of the territories of ancient Macedonia, Thrace and the Aegean islands that lie within the boundaries of the modern Greek state). Approximate date: late 2nd century B.C. to 3rd century A.D.

C. *Ceramic*

1. *Sculpture*

a. *Architectural Elements*—Baked clay (terracotta) elements used to decorate buildings. Elements include acroteria, antefixes, painted

and relief plaques, metopes, cornices, roof tiles, and revetments. Approximate date: 3rd millennium B.C. to 30 B.C.

b. *Large Statuary*—Subject matter includes human and animal figures and groups of figures in the round. Common types are large-scale, free-standing statuary from approximately 1 m to 2.5 m in height and life-size busts (head and shoulders of an individual). Approximate date: 3rd millennium B.C. to 30 B.C.

c. *Small Statuary*—Subject matter is varied and includes human and animal figures, human body parts, groups of figures in the round, shrines, houses, and chariots. Includes Mycenaean and later Tanagra figurines. These range from approximately 10 cm to 1 m in height. Approximate date: 7th millennium B.C. to 324 A.D.

d. *Sarcophagi*—Block- or tub-shaped chests, often painted, known as *larnax* (*plural, larnakes*). Approximate date: 3rd millennium B.C. to 30 B.C.

2. Vessels

a. *Neolithic Pottery*—Handmade, often decorated with a lustrous burnish, decorated with appliqué and/or incision, sometimes with added paint. These come in a variety of shapes from simple bowls and vases with three or four legs to handled scoops and large storage jars. Approximate date: 7th millennium B.C. to 3rd millennium B.C.

b. *Minoan, Cycladic, and Mycenaean Pottery*—Handmade and wheelmade pottery in shapes for tableware, serving, storing, and processing, with lustrous burnished, matte, appliqué, incised, and painted decoration; includes local styles such as Kamares ware, Pictorial Style, and extraordinary shapes such as “frying pans” and “kernoi.” Approximate dates: 4th millennium B.C. to 12th century B.C.

c. *“Submycenaean” and Pottery of the Geometric Period (including “sub-Geometric”).*—Handmade and wheelmade pottery that succeeds the styles of the Late Bronze Age and is produced in decorated and undecorated styles, often reflecting that of the Late Bronze Age but predominately using compasses for circles and linear “geometric” decoration, as well as schematic representations of humans, animals and birds. Approximate dates: 12th century B.C. to 7th century B.C.

d. *Attic Black Figure, Red Figure and White Ground Pottery*—These are made in a specific set of shapes (*e.g.* amphorae, kraters, hydriae, oinochoi, kylikes) decorated with black painted figures on a clear clay ground (Black Figure), decorative elements in reserve with background fired black (Red Figure), and multi-colored figures painted on a white ground (White Ground). Approximate date: 6th century B.C. to 4th century B.C.

e. *Corinthian Pottery*—Painted pottery made in Corinth in a specific range of shapes for perfume and unguents and for drinking or pouring liquids. The very characteristic painted and incised designs depict human and animal figural scenes, rows of animals, and floral decoration. Approximate date: 8th century B.C. to 6th century B.C.

f. *West Slope Ware*—This ware is named after a type of pottery from the west slope of the Athenian Acropolis. It has a black-glaze with relief and polychrome decoration and was produced first in Athens in the fourth century B.C., but the style is also manufactured elsewhere, such as at Corinth, Macedonia and Crete down to the first century. Approximate date: 4th century—1st century B.C.

g. *Byzantine Pottery*—Includes undecorated plain wares, utilitarian, tableware, serving and storage jars, special shapes such as pilgrim flasks. and can be matte painted or glazed, including incised “sgraffitto” and stamped with elaborate polychrome decorations using floral, geometric, human, and animal motifs; it is generally locally manufactured, though places like Corinth were major producers. Approximate date: 324 A.D. to 15th century.

3. *Inscriptions*—These are typically unbaked and should be handled with extreme care, even when hard-fired through accidental burning. They typically take the form of tablets shaped like leaves or rectangular or square and they are often lined, with incised, and sometimes stamped, characters known as “Linear A” and “Linear B.” Approximate date: 2nd millennium B.C. to 12th century B.C.

D. Bone, Ivory, and Other Organics

1. *Small Statuary and Figurines*— Subject matter includes human and animal figures and groups of figures in the round. These range from approximately 10 cm to 1 m in height. Approximate date: 7th millennium B.C. to 15th century A.D.

2. *Personal Ornaments*—In bone, ivory, and spondylus shell. Types include amulets, combs, pins, spoons, small containers, bracelets, buckles, and beads. Approximate date: 7th millennium B.C. to 15th century A.D.

3. *Seals and Stamps*—Small devices with at least one side engraved with a design for stamping or sealing; they can be discoid, cuboid, conoid, or in the shape of animals or fantastic creatures (e.g. a scarab). Approximate date: 7th millennium B.C. to 2nd millennium B.C.

4. *Musical Instruments*—In bone, ivory and tortoise shell. Types include pipe and flute. Approximate date: 3rd millennium B.C. to 15th century A.D.

5. *Vessels* made of ostrich egg shell. Approximate date: 3rd millennium B.C. to 2nd millennium B.C.

E. Glass and Faience

1. *Vessels*—Shapes include small jars, bowls, animal shaped, goblet, spherical, candle holders, perfume jars (unguentaria). Approximate date: 2nd millennium to 15th century A.D.

2. *Beads*—Globular and relief beads. Approximate date: 2nd millennium B.C.

F. Textile

Clothing or fragments of clothing or carpets or cloth for hanging. Approximate date: 1100 B.C. to 15th century A.D.

G. Papyrus Documents

Documents made from papyrus and written upon in ink; these are often rolled, fragmentary, and should be handled with extreme care. Approximately 7th century B.C. to 324 A.D.

H. Paintings

1. *Domestic and Public Wall Painting*—These are painted on mud-plaster, lime plaster (wet—*buon fresco*—and dry—*secco fresco*); types include simple applied color, bands and borders, landscapes, scenes of people and/or animals in natural or built settings. Approximate date: 3rd millennium B.C. to 324 A.D.

2. *Tomb Paintings*—Paintings on plaster or stone, sometimes geometric or floral but usually depicting gods, goddesses, or funerary scenes. Approximate date: 2nd millennium B.C. to 500 A.D.

3. *Panel Paintings* on wood depicting gods, goddesses, or funerary scenes. Approximate date: 1st millennium B.C. to 324 A.D.

I. Mosaics

Floor mosaics including landscapes, scenes of humans or gods, and activities such as hunting and fishing. There may also be vegetative, floral, or decorative motifs. Approximate date: 5th century B.C. to 500 A.D.

II. Byzantine Ecclesiastical Ethnological Material

The ecclesiastical ethnological materials represent the Early Christian and Byzantine periods and include objects made from 324 A.D. through the 15th century A.D.

A. Stone

1. *Architectural elements*—In marble and other stone, including upright “closure” slabs, circular marking slabs *omphalion*, which may be decorated with crosses, human, or animal figures.

2. *Monuments*—In marble and other stone; types such as funerary inscriptions.

3. *Vessels* – Containers for holy water.

4. *Reliefs*—Carved as icons in which religious figures predominate in the figural decoration.

B. Metal

1. *Reliefs*—Cast as icons in which religious figures predominate in the figural decoration.

2. *Boxes*—Containers of gold and silver, used as reliquaries for sacred human remains.

3. *Vessels*—Containers of lead, which carried aromatic oils and are called “pilgrim flasks.”

4. *Ceremonial paraphernalia*—In bronze, silver, and gold including censers (incense burners), book covers, liturgical crosses, archbishop’s crowns, buckles, and chests. These are often decorated with molded or incised geometric motifs or scenes from the Bible, and encrusted with semi-precious or precious stones. The gems themselves may be engraved with religious figures or inscriptions. Ecclesiastical treasure may include all of the above, as well as rings, earrings, and necklaces (some decorated with ecclesiastical themes) and other implements (*e.g.*, spoons).

C. Ceramic

Vessels which carried aromatic oils and are called “pilgrim flasks.”

D. Bone and Ivory Objects

Ceremonial paraphernalia including boxes, reliquaries (and their contents), plaques, pendants, candelabra, stamp rings, crosses. Carved and engraved decoration includes religious figures, scenes from the Bible, and floral and geometric designs.

E. Wood

Wooden objects include architectural elements such as painted wood screens (*iconstasis*), carved doors, crosses, painted wooden beams from churches or monasteries, furniture such as thrones, chests and other objects, including musical instruments. Religious figures predominate in the painted and carved figural decoration.

Ecclesiastical furniture and architectural elements may also be decorated with geometric or floral designs.

F. Glass

Vessels of glass include lamps and candle sticks.

G. Textile

Robes, vestments and altar clothes are often of a fine fabric and richly embroidered in silver and gold. Embroidered designs include religious motifs and floral and geometric designs.

H. Parchment

Documents such as illuminated manuscripts occur in single leaves or bound as a book or “codex.” and are written or painted on animal skins (cattle, sheep/goat, camel) known as parchment.

I. Painting

1. *Wall paintings*—On various kinds of plaster and which generally portray religious images and scenes of Biblical events. Surrounding paintings may contain animal, floral, or geometric designs, including borders and bands.

2. *Panel Paintings (Icons)*—Smaller versions of the scenes on wall paintings, and may be partially covered with gold or silver, sometimes encrusted with semi-precious or precious stones and are usually painted on a wooden panel, often for inclusion in a wooden screen (iconastasis).

J. Mosaics

Wall 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 bits (tesserae) and laid into a plaster matrix.

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 (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

Because this rule involves a foreign affairs function of the United States, it is not subject to Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1).

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, paragraph (a), the table is amended by adding Greece (Hellenic Republic) to the list in appropriate alphabetical order as follows:

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

(a) * * *

State party	Cultural property	Decision No.
* * *	* * * *	
Greece (Hellenic Republic).	Archaeological materials representing Greece’s cultural heritage from the Upper Paleolithic (beginning approximately 20,000 B.C.) through the 15th century A.D. and ecclesiastical ethnological material representing Greece’s Byzantine culture (approximately the 4th century through the 15th century A.D.).	CBP Dec. 11–25
* * *	* * * *	

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ALAN D. BERSIN,
Commissioner,
U.S. Customs and Border Protection.

Dated: November 28, 2011.

TIMOTHY E. SKUD,
Deputy Assistant
Secretary of the Treasury.

[Published in the Federal Register, December 1, 2011 (76 FR 74691)]



**COMPLETION OF THE BROKER SELF-ASSESSMENT
OUTREACH PILOT**

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

ACTION: General notice.

SUMMARY: This document announces the completion of the Broker Self-Assessment (BSA) Outreach Pilot (BSA Pilot), a voluntary partnership with the customs brokerage community, which began in July 2009. CBP has decided to end the BSA pilot without a plan to proceed with another Importer Self-Assessment type model. CBP and the National Customs Brokers and Forwarders Association of America (NCBFAA) have agreed to pursue other avenues to collaborate pertaining to trade modernization efforts.

EFFECTIVE DATE: December 2, 2011.

FOR FURTHER INFORMATION CONTACT: Florence Constant, Partnership Programs Branch, Trade Policy and Programs, Office of International Trade, Tel.: (202) 863-6537.

SUPPLEMENTARY INFORMATION:

Background

This document announces the completion of the Broker Self-Assessment Outreach Pilot (BSA Pilot), which began July 2009 after its announcement in the **Federal Register** (74 FR 19103) on April 27, 2009. The pilot was a collaborative effort by U.S. Customs and Border Protection (CBP) and the National Customs Brokers and Forwarders Association of America (NCBFAA) to develop a voluntary partnership between CBP and the customs brokerage community.

Purpose

The purpose of the partnership was to facilitate a higher level of broker compliance with CBP laws and regulations, specifically those in part 111 of title 19 of the Code of Federal Regulations (19 CFR part 111), so that the agency could focus on higher-risk trade enforcement issues. All brokers who were current members of the Customs-Trade Partnership Against Terrorism (C-TPAT) were permitted to apply for the BSA pilot by signing a BSA Memorandum of Understanding (MOU) and completing a BSA questionnaire.

A total of twenty-seven (27) brokers applied and four (4) were selected to participate in the pilot based on the criteria discussed above and CBP and NCBFAA's desire to have brokerages that represented small, medium, and large volumes of activities.

Pilot Design

CBP and NCBFAA modeled the pilot after the existing Importer Self-Assessment (ISA) program, which is based on the premise that importers with internal controls in place achieve the highest level of compliance with CBP laws and regulations. Similarly, the premise with the BSA pilot was that brokers with strong internal controls would achieve the highest level of compliance with customs laws and regulations.

The pilot program was designed to allow customs brokers to voluntarily provide CBP with internal control procedures designed to ensure their compliance with broker requirements such as annual summary reports from periodic compliance evaluations and risk assessments. CBP provided the participants with recognition and support, in the form of consultations and general assistance.

The BSA team, which was comprised of CBP regulatory auditors and national account managers, gathered and analyzed the data provided by the participants to determine whether: (1) The resources expended by brokers were commensurate with the potential gains to CBP and the broker; (2) there were mutual benefits for CBP and the broker that would make the program attractive; and (3) the intent of the pilot was realized through the pilot design utilized. In making its assessment, the BSA team examined the brokers' processing of its clients' submissions in the following areas: periodic monthly statement; bonded warehouse; importer security filings; remote location filing; and drawback.

Pilot Results

CBP's assessment of the pilot results showed that the participants successfully demonstrated their supervision and control over customs

transactions and documented their internal controls over their customs operations. However, the procedures for the internal controls, such as supervision and control over customs transactions and customs operations, were not always written, and in some cases, the procedures were modified or improved, but not yet implemented. The pilot also disclosed that the broker's assessment of risk factors differed from the risk factors CBP identified as potentially significant risks.

All of the participants agreed that the BSA pilot helped them identify some areas of risk that they had not previously considered. Most of the participants concluded that the development of the internal control procedures revealed ways to better manage and mitigate risk factors.

The reliable quantitative measure related to import transactions is the compliance measurement rate, which primarily measures compliance in areas such as, classification, valuation, free trade agreement, anti-dumping and countervailing duty. It was discovered in the BSA Pilot that the compliance measurement rate did not necessarily correlate with demonstrated compliance on the part of the broker.

The BSA evaluation team's assessment of the broker's internal control for achieving compliance with the CBP regulations (19 CFR part 111) concluded that the participants demonstrated a strong commitment to ensuring compliance, professional ethics and professional development of their employees to meet its overall objective in regards to broker oversight and management controls. Moreover, the participants generally provided exemplary documentation to support their processes, which validated the assertions made as to the significant resources allocated in preparation for the team's assessment. The NCBFAA observed that the BSA pilot demonstrated that business profiles and process management within the brokerage community is highly diverse. As such, it would be difficult to provide for a standard template that CBP could use to establish uniform methodology for compliance verification. NCBFAA recommended that CBP not pursue the BSA pilot as it is currently designed.

Since CBP has decided to end the BSA pilot without a plan to proceed with another Importer Self-Assessment type model, CBP and NCBFAA will pursue other avenues to collaborate pertaining to trade modernization efforts.

The complete March 1, 2011 "Broker Self-Assessment Outreach Pilot" Report is available on the following Web site: http://www.cbp.gov/linkhandler/cgov/trade/trade_programs/bsa/bsa_report.ctt/bsa_report.pdf.

Dated: November 29, 2011.

ALLEN GINA,
*Assistant Commissioner,
Office of International Trade.*

[Published in the Federal Register, December 2, 2011 (76 FR 75553)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

**Declaration of Owner and Declaration of Consignee When
Entry Is Made by an Agent**

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651-0093.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Declaration of Owner and Declaration of Consignee When Entry is made by an Agent (Forms 3347 and 3347A). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13)

DATES: Written comments should be received on or before February 3, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn.: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229-1177, at (202) 325-0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the

accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or recordkeepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Declaration of Owner and Declaration of Consignee When Entry is made by an Agent.

OMB Number: 1651-0093.

Form Number: CBP Forms 3347 and 3347A.

Abstract: CBP Form 3347, *Declaration of Owner*, is a declaration from the owner of imported merchandise stating that he/she agrees to pay additional or increased duties, therefore releasing the importer of record from paying such duties. This form must be filed within 90 days from the date of entry. CBP Form 3347 is provided for by 19 CFR 24.11 and 141.20.

When entry is made in a consignee's name by an agent who has knowledge of the facts and who is authorized under a proper power of attorney by that consignee, a declaration from the consignee on CBP Form 3347A, *Declaration of Consignee When Entry is Made by an Agent*, shall be filed with the entry summary. If this declaration is filed, then no bond to produce a declaration of the consignee is required. CBP Form 3347 is provided for by 19 CFR 141.19(b)(2).

CBP Forms 3347 and 3347A are authorized by 19 U.S.C. 1485(d) and are accessible at <http://www.cbp.gov/xp/cgov/toolbox/forms/>.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Forms 3347 and 3347A.

Type of Review: Extension (without change).

Affected Public: Businesses.

CBP Form 3347

Estimated Number of Respondents: 900.

Estimated Number of Responses per Respondent: 6.

Estimated Total Annual Responses: 5,400.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 540.

CBP Form 3347A

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 6.

Estimated Total Annual Responses: 300.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 30.

Dated: November 30, 2011.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, December 5, 2011 (76 FR 75893)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651-0125.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

DATES: Written comments should be received on or before February 3, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of

International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229-1177, at (202) 325-0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR).

OMB Number: 1651-0125.

Form Number: None.

Abstract: On August 5, 2004, the United States entered into the Dominican Republic-Central America-United States Free Trade Agreement with Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (also known as CAFTA-DR). The Agreement was approved by Congress in section 101(a) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Pub. L. 109-53, 119 Stat. 462) (19 U.S.C. 4001) and provides for preferential tariff treatment of certain goods originating in one or more of the CAFTA-DR countries. It was signed into law on August 2, 2005.

In order to ascertain if imported goods are eligible for preferential tariff treatment or duty refunds under CAFTA-DR, CBP collects information such as name and contact information for importer and exporter; information about the producer of the good; a description of the good; the HTSUS tariff classification; and the applicable rule of origin. In addition, a certification and supporting documents may be requested by CBP in order to substantiate the claim for preferential

tariff treatment. This collection of information is provided for by 19 CFR 10.583 through 19 CFR 10.592.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 2,500.

Estimated Total Annual Responses: 10,000.

Annual Number of Responses per Respondent: 4.

Estimated Time per Response: 24 minutes.

Estimated Total Annual Burden Hours: 4,000.

Dated: November 30, 2011.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, December 5, 2011 (76 FR 75893)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Documents Required Aboard Private Aircraft

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

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651-0058.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Documents Required Aboard Private Aircraft. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (76 FR 60853) on September 30, 2011, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before January 6, 2012.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395-5806.

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104-13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Documents Required Aboard Private Aircraft.

OMB Number: 1651-0058.

Form Number: None.

Abstract: In accordance with 19 CFR 122.27, a commander of a private aircraft arriving in the U.S. must present several documents to CBP officers for inspection. These documents include: (1) A pilot certificate/license; (2) a medical certificate; and (3) a certificate of registration, which is also called a “pink slip” and is a duplicate copy of the Aircraft Registration Application (FAA Form AC 8050-1). The information on these documents is used by CBP officers as part of the inspection process for private aircraft arriving from a foreign country. This collection of information is authorized by 19 U.S.C. 1433, as amended by Public Law 99-570.

Current Actions: CBP proposes to extend the expiration date of this information collection with a decrease to the burden hours as a result of revised estimates by CBP concerning the number of responses.

Type of Review: Extension (with change).

Affected Public: Individuals.

Estimated Number of Respondents: 120,000.

Estimated Number of Annual Responses: 120,000.

Estimated Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 1,992.

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington DC 20229-1177, at (202) 325-0265.

Dated: December 1, 2011.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, December 7, 2011 (76 FR 76430)]