



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 12

[CBP Dec. 25–01]

RIN 1685-AA03

Extension of Import Restrictions Imposed on Certain Archaeological and Ecclesiastical Ethnological Material of El Salvador

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

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to extend import restrictions on certain material from the Republic of El Salvador. The Principal Deputy Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State, has made the requisite determinations for extending the import restrictions, originally imposed on certain archaeological material by Treasury Decision 95-20, and amended by CBP Decision 20-04 to cover certain ecclesiastical ethnological material. These import restrictions are being extended pursuant to an exchange of diplomatic notes. The CBP regulations are being amended to reflect this further extension through March 2, 2030.

DATES: Effective on [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

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. 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 (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (CPIA), 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 Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological material. Under the CPIA and the applicable U.S. Customs and Border Protection (CBP) regulations, found in § 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On March 8, 1995, the United States entered into a bilateral agreement (the 1995 Agreement) with the Republic of El Salvador (El Salvador) to impose import restrictions on certain categories of archaeological material from El Salvador’s Pre-Hispanic cultures and ranging in date from approximately 8000 B.C. to 1550 A.D. On March 10, 1995, the former U.S. Customs Service (now CBP) published a final rule, Treasury Decision (T.D.) 95-20, in the *Federal Register* (60 FR 13352), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions, including a list designating the types of archaeological material covered by the restrictions.

Since the initial final rule was published on March 10, 1995, the import restrictions were subsequently extended four times. First, on March 9, 2000, following the exchange of diplomatic notes, the former U.S. Customs Service published T.D. 00–16 in the *Federal Register* (65 FR 12470) to extend the import restrictions for a period of five years to March 8, 2005. Second, on March 9, 2005, following the exchange of diplomatic notes, CBP published CBP

Dec. 05–10 in the *Federal Register* (70 FR 11539) to extend the import restrictions for an additional five-year period to March 8, 2010. Third, on March 8, 2010, following the exchange of diplomatic notes, CBP published CBP Dec. 10–01 in the *Federal Register* (75 FR 10411) to extend the import restrictions for an additional period of five years to March 8, 2015. Fourth, on March 6, 2015, following the exchange of diplomatic notes, CBP published CBP Dec. 15-05 in the *Federal Register* (80 FR 12080) to reflect the extension of the import restrictions for an additional five-year period to March 8, 2020.

On March 2, 2020, the United States and El Salvador entered into a new Memorandum of Understanding (2020 MOU), that entered into force on March 2, 2020, and superseded the existing agreement that first became effective on March 8, 1995. Pursuant to the 2020 MOU, the import restrictions for archaeological material remain in effect for an additional five-year period until March 2, 2025, and the 2020 MOU also covers import restrictions for ecclesiastical ethnological material until March 2, 2025.

Thereafter, on March 18, 2020, CBP published CBP Dec. 20-04 in the *Federal Register* (85 FR 15363) to reflect the extension of the import restrictions on certain archaeological material and the imposition of import restrictions on certain ecclesiastical ethnological material (from the Colonial period through the first half of the twentieth century ranging in date from approximately A.D. 1525 to 1950).

On August 15, 2024, the United States Department of State proposed in the *Federal Register* (89 FR 66484) to extend the 2020 MOU. On December 16, 2024, after considering the views and recommendations of the Cultural Property Advisory Committee, the Principal Deputy Assistant Secretary for Educational and Cultural Affairs, United States Department of State, made the necessary determinations to extend the import restrictions for an additional five years. Following an exchange of diplomatic notes, concluded on January 27, 2025, the United States and El Salvador have agreed to extend the restrictions for an additional five-year period, through March 2, 2030. However, in the absence of a final rule extending enforcement of the

restrictions, enforcement of these restrictions ended on March 2, 2025. Enforcement of the extension will begin upon publication of this document in the *Federal Register*.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension and reinstate enforcement of these import restrictions. The restrictions on the importation of archaeological and ecclesiastical ethnological material from El Salvador will continue in effect through March 2, 2030. Importation of such material from El Salvador 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/current-agreements-and-import-restrictions> by selecting the material for “El Salvador.”

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).

Executive Order 12866

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). 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.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small

entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

In accordance with Treasury Order 100-20, the Secretary of the Treasury has delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with DHS Directive 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the authority to prescribe and approve regulations related to cultural property import restrictions.

Pete Flores, Acting Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director (or Acting Director, if applicable) of the Regulations and Disclosure Law Division of 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 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, amend the table in paragraph (a) by revising the entry for El Salvador to read as follows:

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

(a) * * *

| State party | Cultural property | Decision No. |
|-------------|--|--|
| El Salvador | Archaeological material representing El Salvador's Pre-Hispanic cultures ranging in date from approximately 8000 B.C. through A.D. 1550 and ecclesiastical ethnological material from the Colonial period through the first half of the twentieth century ranging in date from approximately A.D. 1525 to 1950 | CBP Dec. 20–04, extended by CBP Dec. 25-01 |

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Robert F. Altneu,
Director,
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