



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 12

[CBP Dec. 26-01]

RIN 1685-AA37

Extension of Import Restrictions Imposed on Categories of Archaeological Material of Italy

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

ACTION: Final rule.

SUMMARY: This document amends U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain categories of archaeological material of the Italian Republic (Italy), which were originally imposed in Treasury Decision 01-06. The CBP regulations are being amended to reflect this extension through January 12, 2031.

DATES: Effective on [INSERT DATE OF DISPLAY ON PUBLIC INSPECTION AT 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, Queena Fan, Director, Interagency Collaboration Division, Trade Programs Directorate, Office of Trade, (202) 945-7064, 1USGBranch@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. 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 January 19, 2001, the United States and the Italian Republic (Italy) entered into a Memorandum of Understanding entitled, “Memorandum of Understanding Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods in Italy” (the 2001 MOU). The 2001 MOU entered into force upon signature on January 19, 2001, and reflects an agreement to impose import restrictions on certain categories of archaeological material representing the Pre-Classical, Classical, and Imperial Roman Periods. On January 23, 2001, CBP published a final rule (Treasury Decision 01-06) in the *Federal Register* (66 FR 7399), 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.

The import restrictions have been extended three times pursuant to exchanges of diplomatic notes, as reflected in subsequent final rules. First, on January 19, 2006, CBP published CBP Decision (CBP Dec.) 06-01 in the *Federal Register* (71 FR 3000), which amended 19 CFR 12.104g(a) to reflect the extension for an additional period of five years. Second, on January 19, 2011, CBP published CBP Dec. 11-03 in the *Federal Register* (76 FR 3012), to extend the import restrictions for an additional five-year period. CBP Dec. 11-03 also reflects an amendment to the Designated List to include the subcategory “Coins of Italian Types” as part of

the category entitled “Metal,” pursuant to 19 U.S.C. 2604. Third, on January 15, 2016, CBP published CBP Dec. 16-02 in the *Federal Register* (81 FR 2086), to further extend the import restrictions.

On January 12, 2021, CBP published CBP Dec. 21-01 in the *Federal Register* (86 FR 2255), to further extend the import restrictions, pursuant to the signing of a superseding agreement. CBP Dec. 21-01 also reflects a new Memorandum of Understanding between the United States and Italy, “Memorandum of Understanding between the Government of the United States of America and the Government of the Italian Republic Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of Italy” (the 2021 MOU), which superseded and replaced the 2001 MOU. The 2021 MOU entered into force on January 12, 2021; thus, the extension of the import restrictions was implemented for an additional five-year period ending on January 12, 2026. *See* 19 CFR 12.104g(a); 86 FR 2255.

On December 30, 2024, the United States Department of State proposed in the *Federal Register* (89 FR 106723) to extend the 2021 MOU. On August 7, 2025, after considering the views and recommendations of the Cultural Property Advisory Committee, the Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State, made the necessary determinations to extend the MOU for an additional five years. Subsequently, the United States entered into a bilateral agreement with Italy to extend the 2021 MOU in a document titled, “Agreement Between the Government of the United States of America and the Government of the Italian Republic To Extend the Memorandum of Understanding Between the Government of the United States of America And the Government of the Italian Republic Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of Italy.” The agreement extends the import restrictions for five years from entry into force on January 12, 2026.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of categories of archaeological material of Italy will continue in effect until January 12, 2031. Importation of such material from Italy continues

to be restricted until that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List of pre-Classical, Classical and Imperial Roman period archaeological material from Italy covered by these import restrictions is set forth in CBP Dec. 11-03. The Designated List and additional information may also be found at the following website address: <https://www.state.gov/current-agreements-and-import-restrictions> by selecting the materials for “Italy.”

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 Department of Homeland Security Delegation 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.

Rodney S. Scott, Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director 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 Italy to read as follows:

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

(a) * * *

State party				Cultural property				Decision No.
Italy	*	*	*	Archaeological material of pre-Classical, Classical, and Imperial Roman periods ranging approximately from the 9 th century B.C. to the 4 th century A.D.	*	*	*	CBP Dec. 11-03 extended by CBP Dec. 26-01
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Robert F. Altneu, Director,
 Regulations and Disclosure Law Division,
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