



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 12

[CBP Dec. 26-09]

RIN 1685-AA43

Extension of Emergency Import Restrictions Imposed on Archaeological and Ethnological

Material of Afghanistan

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 emergency import restrictions on certain archaeological and ethnological material from Afghanistan, which were originally imposed in CBP Decision 22-04. The regulations are also being updated to refer specifically to the material being restricted in a manner consistent with CBP's other listed cultural property restrictions. The CBP regulations are being amended to reflect this updated language, as well as this extension of import restrictions through April 28, 2029.

DATES: Effective April 28, 2026.

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, Christopher Mabelitini, Director, Intellectual Property Rights Policy & Programs, Trade Programs Directorate, Office of Trade, (571) 296-1269, 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. In certain limited circumstances, the CPIA authorizes the imposition of restrictions on an emergency basis (19 U.S.C. 2603). The emergency restrictions are effective for no more than five years from the date of the State Party’s request and may be extended for three years where it is determined that the emergency condition continues to apply with respect to the covered material (19 U.S.C. 2603(c)(3)). These restrictions may also be continued, in whole or in part, pursuant to an agreement concluded within the meaning of the CPIA (19 U.S.C. 2603(c)(4)).

Pursuant to 19 U.S.C. 2602(a), Afghanistan, a State Party to the Convention, requested on April 28, 2021, that import restrictions be imposed on certain archaeological and ethnological material, the pillage of which jeopardizes the cultural heritage of Afghanistan. On November 16, 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 necessary under the Act for the emergency imposition of the import restrictions. The restrictions were subsequently imposed on archaeological material ranging in date from approximately 50,000 B.C. to A.D. 1747, and ethnological material including architectural objects and wooden objects associated with Afghanistan’s diverse history, ranging from approximately the 9th century A.D. to A.D. 1920. On February 22, 2022, U.S. Customs and Border Protection (CBP) published a final rule (CBP Dec. 22-04) in the *Federal Register* (87 FR 9439), which amended 19 CFR 12.104g(b) to reflect the imposition of these restrictions and included a list designating the types of archaeological and ethnological material covered by the restrictions.

On March 18, 2026, pursuant to her delegated authority, the Under Secretary for Public Diplomacy, United States Department of State, made the necessary determinations to extend the emergency import restrictions with Afghanistan, finding that emergency conditions continue to exist as defined by 19 U.S.C. 2603(a)(3). In accordance with 19 U.S.C. 2603(c)(3), the emergency import restrictions will be unilaterally extended for an additional three-year period.

Accordingly, CBP is amending 19 CFR 12.104g(b) to reflect the extension of the import restrictions, as well as updated language to refer specifically to the material being restricted in a manner consistent with CBP's other listed cultural property restrictions. The restrictions on the importation of categories of archaeological and ethnological material of Afghanistan will continue in effect through April 28, 2029. Importation of such material from Afghanistan 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 of archaeological and ethnological material from Afghanistan covered by these import restrictions is set forth in CBP Dec. 22-04. 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 material for "Afghanistan."

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, and 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 (b) by revising the entry for Afghanistan to read as follows:

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

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(b) * * *

State party	Cultural property			Decision No.
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Afghanistan	Archaeological material of Afghanistan ranging in date from 50,000 B.C. through A.D. 1747, and ethnological material of Afghanistan ranging in date from the 9th century A.D. through A.D. 1920.			CBP Dec. 22-04, extended by CBP Dec. 26-09
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Robert F. Altneu, Director,
Regulations and Disclosure Law Division,
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