



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 12

[CBP Dec. 26-16]

RIN 1685-AA46

Imposition of Import Restrictions on Categories of Archaeological and Ethnological

Material of Nepal

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 the imposition of import restrictions on certain archaeological and ethnological material from the Federal Democratic Republic of Nepal (Nepal). These restrictions are imposed pursuant to an agreement between the United States and Nepal, entered into under the authority of the Convention on Cultural Property Implementation Act. This document amends the CBP regulations by adding Nepal to the list of countries which have bilateral agreements with the United States imposing cultural property import restrictions and contains the Designated List, describing the archaeological and ethnological material to which the restrictions apply.

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, Christopher Mabelitini, Director, Intellectual Property Rights Policy & Programs, Trade Programs Directorate, Office of Trade, (571) 296-1269, 1USGBBranch@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. Pursuant to the CPIA, the United States entered into a bilateral agreement with the Federal Democratic Republic of Nepal (Nepal) to impose import restrictions on categories of archaeological and ethnological material of Nepal. This rule announces that the United States is now imposing import restrictions on categories of archaeological and ethnological material of Nepal through January 8, 2031. 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); § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR 12.104g(a))).

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 January 24, 2024, the 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 categories of archaeological and ethnological material originating in Nepal that is described in the Designated List set forth below in this document.

These determinations include the following: (1) that the cultural patrimony of Nepal is in jeopardy from the pillage of archaeological material representing Nepal's cultural heritage dating from approximately 32,000 B.C.E. to 1770 C.E., and ethnological material dating from

approximately the 13th century C.E. to 1950 C.E. (19 U.S.C. 2602(a)(1)(A)); (2) that the government of Nepal 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 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 January 8, 2026, the United States and Nepal entered into a bilateral agreement, “Agreement between the Government of the United States of America and the Government of Nepal Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Material of Nepal” (Agreement), pursuant to the provisions of 19 U.S.C. 2602(a)(2). The Agreement entered into force upon signature and enables the promulgation of import restrictions on certain archaeological material ranging in date from approximately 32,000 B.C.E. to 1770 C.E., as well as certain ethnological material dating from approximately the 13th century C.E. to 1950 C.E. 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 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 19 CFR 12.104c are met. CBP is amending 19 CFR 12.104g(a) to indicate that these import restrictions have been imposed.

Import restrictions listed at 19 CFR 12.104g(a) 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. 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. Therefore, the import restrictions will expire on January 8, 2031, unless extended.

Designated List of Archaeological and Ethnological Material of Nepal

The Agreement between the United States and Nepal includes, but is not limited to, the categories of objects described in the Designated List set forth below.

The archaeological material in the Designated List ranges in date from 32,000 B.C.E., through 1770 C.E. The ethnological material in the Designated List includes religious architectural elements; religious material and ceremonial items; and manuscripts from the 13th century C.E. through 1950 C.E. The list set forth below is representative only. Any dates and dimensions are approximate.

Categories of Material

I. Archaeological Material

- A. Stone
- B. Ceramics, Faience, and Fired Clay
- C. Metal
- D. Plaster, Stucco, and Unfired Clay
- E. Painting
- F. Ivory and Bone
- G. Glass
- H. Leather, Parchment, Birch Bark, Paper, and Palm Leaf
- I. Wood, Shell, and other Organic Material
- J. Human Remains

II. Ethnological Material

A. Religious Architectural Elements

B. Religious and Ceremonial Items

C. Manuscripts

Approximate Simplified Chronology of Well-Known Periods:

Paleolithic to Mesolithic: 32,000 – 5000 B.C.E.

Neolithic: 5000 – 2500 B.C.E.

Chalcolithic 2500 B.C.E. – 1200 B.C.E.

Early Historic Period (includes Gopala, Mahishapala, Kirata, Shakya): **1200 B.C.E. – 200 C.E.**

Historic Period (includes Sunga Period, Kushan Period, Lichchavi Kingdom, also spelled Licchavi and Lichavi): **200 – 11th century C.E.**

Medieval Period (includes Malla Dynasty, Three Kingdoms period): **11th century – 1769 C.E.**

Modern Period (includes Shah Dynasty and Rana Rule): **1769 – 2008 C.E.**

I. Archaeological Material

A. Stone

1. Architectural elements – Primarily in sandstone, limestone, marble, soapstone, granite, slate, or schist, but includes other types of stone. Category includes, but is not limited to, decorative arches; columns, including capitals and bases; finials and spires; pillars, including capitals and bases; and elements of tombs. Elements may be plain, carved in relief, incised, inlaid, or inscribed in various languages and scripts, such as Devanagari, Newar, Tibetan, Sanskrit, Brahmi, Maithili, Khas Kura; may be polished, painted or colored, and/or gilded. Stones bearing inscriptions may be part of architectural features. Architectural elements may include relief sculptures, mosaics, and inlays that were part of a building, such as friezes and panels. May include depictions of floral, vegetal, animal,

geometric, human, mandalas, and mythological motifs and scenes from Hindu and Buddhist religious traditions. Approximate Date: 1 – 1770 C.E. Distinctive elements include:

- a. Stone drinking fountain heads (*dhunge dharas* or *hitis*) -- Usually long in shape and tapering to a spout. Often intricately carved with mythical animal motifs, including crocodiles, sea creatures, elephants, boars, serpents, and peacocks. (Lichchavi and Malla periods.)
 - b. Tympanums (*toranas*) – Semi-circular decorative panels above doorways and windows. Often featuring a central deity or mythological figure surrounded by carved human and/or animal figures and geometric, curving, and floral motifs.
2. Non-architectural elements – Primarily in sandstone, limestone, marble, soapstone, granite, slate, or schist, but includes other types of stone. Types include, but are not limited to, altars; bases; free-standing pillars; *linga* (a short cylindrical pillar representing the Hindu deity Shiva) and *yoni* (a platform topped by a flat disc representing the *linga*'s counterpart); memorial stones; plaques; rock edicts, whole or in fragments; decorated or inscribed slabs; and stelae and their bases. Elements may be plain, carved in relief, incised, inlaid, or inscribed in various languages and scripts; may be polished, painted, and/or gilded. Stones bearing inscriptions may be standalone. Decorative elements may include geometric, floral, and/or vegetal motifs, as well as animals, mandalas, mythological and/or human figures in various poses from secular or Buddhist and Hindu religious traditions. Approximate Date: 1 – 1770 C.E.
3. Statuary – Primarily in sandstone, limestone, marble, or granite, but includes other types of stone. Stone statuary can come in a variety of sizes and include seated, standing, reclining, crouching, amorous, fighting, and/or dancing human, animal, and/or mythological figures and geometric, floral, and/or vegetal motifs, as well as figures from Buddhist and Hindu religious traditions. May be polished, painted, and/or gilded, and may

bear inscriptions in various languages and scripts. Includes roundels; freestanding larger pieces, such as door guardians; freestanding or semi-attached altarpieces in a variety of sizes featuring Buddhist and Hindu deities and saints, the Buddha, devotees, and bodhisattvas adorned in usually form-fitting clothing, jewelry, and headpieces, and making stylized hand gestures. May include accompanying animal and floral elements, as well as tantric iconography. Approximate Date: 1 – 1770 C.E.

4. Tools and implements – Primarily in chert, shale, sandstone, limestone, slate, or schist, but includes other types of stone. Types include, but are not limited to, adzes, choppers, scrapers, hammerstones, celts, grinding stones, handaxes, blades, flakes, points, projectiles, and other prehistoric macrolithics. Also includes stone weights and decorated handles and hilts which may be inscribed, inlaid, or plain. Approximate Date: 32,000 B.C.E. – 1770 C.E.
5. Beads, jewelry, and gems – Primarily in turquoise, carnelian, coral, jade, and precious and semi-precious gemstones, but includes other types of stone. Includes jewelry and beads associated with religious contexts, including adornments for royalty and their retinue, historical religious leaders and saints, icons and idols, and reliquaries, as well as inlaid or embedded within architectural features. Beads may be carved, cut, drilled, ground, etched, fired, glazed, painted and/or polished. Beads may be in animal, conical, cylindrical, disc, faceted, spherical, teardrop, and other shapes. May bear geometric designs, images, and/or inscriptions in various languages and scripts. Includes amulets, anklets, bracelets, bangles, pectorals, pendants, rings, and other types. Approximate Date: 2500 B.C.E. – 1770 C.E.

B. Ceramics, Faience, and Fired Clay

1. Statuary and non-architectural elements – Includes small- and large-scale statuary in ceramic, faience, and terracotta. Includes, but is not limited to, auspicious emblems, cart frames or wheels, figurines, masks, model stupas, plaques, reliefs, and roundels. Includes

bases, plinths, or stands. May be associated with religious or spiritual activity, decoration, commemoration, or games. May depict scenes of animals, deities, humans, or mythological figures, monuments, mandalas, or vegetation. Figurines may be hollow and/or molded and depict gods and human figures, animals (such as humped bulls, elephants, lions, horses, cows, buffalos), and foliage. May be painted or have traces of paint or pigment, as well as stamped, incised, or inscribed in various languages and scripts. Forms may be stylized or naturalized. Approximate Date: 200 – 1770 C.E.

2. Architectural elements – Primarily in terracotta. Includes, but is not limited to, bricks, panels, tiles, and other elements used as functional or decorative elements in buildings or flooring. Bricks may be cut, carved, or molded to form decorative patterns on building exteriors. Panels and tiles may be painted, plastered, stuccoed, have traces of paint or plaster, and/or inscribed in various languages and scripts. Tiles may bear carved, incised, impressed, or molded decoration in the form of animals, humans, geometric, floral, vegetal, and/or mythological motifs. Approximate Date: 200 – 1770 C.E.

3. Vessels and containers – Includes, but is not limited to, utilitarian vessels, fine tableware, lamps, and special-purpose vessels for religious or ceremonial use. Approximate Date: 2500 B.C.E. – 1770 C.E.

- a. Chalcolithic vessel types – Include cord-marked, red ware, pale red ware, black-slipped ware, black-red ware, or northern black-polished ware. Most vessels are wheel-thrown but can also be handmade. Forms include plates (*thalis*), bowls (*katoras*), cooking vessels (*handi*), cups (*pyalas*), lids (*dhakkans*), miniature pots (*katiyas*), small vases, basins, and storage jars (*matakas*). Approximate Date: 2500 – 1200 B.C.E.

- b. Early Historic Period vessel types – Include cord-marked, red ware, black-slipped ware, black-red ware, or northern black-polished ware. Most vessels are wheel-thrown but can also be handmade. Forms include previously listed as well as

closed mouth vessels, and globular jars. Decorations include, but are not limited to, incisions, cross-hatching, stamping, red or black slips, punctations, or simple appliques. Approximate Date: 1200 B.C.E. – 200 C.E.

- c. Historic Period vessel types – include red ware, yellowish ware, red-slipped ware, light-red ware, red-polished ware, black ware, and brown-slipped ware. Vessels may be wheel-made, molded, or handmade. Forms include previously listed as well as small upright jars, oil lamps, stands, and dabbers. Decorations include, but are not limited to, incisions, cross-hatching, stamping, slips, punctations, or simple appliques. Approximate Date: 200 – 11th century C.E.
- d. Medieval Period ceramic types include previously listed wares in addition to fine wares. Vessels may be wheel-made, molded, or handmade. Forms include previously listed as well as saucers and specialty pieces. Decorations include, but are not limited to, intricate designs and glazing techniques, incisions, cross-hatching, punctuations. May be inscribed in various languages and scripts. Approximate Date: 11th century – 1770 C.E.

C. Metal

Includes copper, iron, gold, silver, lead, tin, zinc; alloys such as bronze, brass, pewter, and steel; and can include an amalgamation of different metals. Approximate Date: 2500 B.C.E. – 1770 C.E. (unless specifically indicated otherwise).

- 1. Statuary, ornaments, and other decorated objects – Includes, but is not limited to, finials; free-standing and supported statuary; oil lamps; reliefs or incised plaques or roundels; stands; votive ornaments; and other ornaments. Statuary may depict humans; animals; deities and saints from Buddhist and Hindu religious traditions; anthropomorphic and/or mythological figures; mandalas; and architectural or monumental forms, such as stupas. Statuary may take naturalized or stylized forms and may be depicted seated, standing, dancing, and/or with other figures and symbolic imagery. Includes bases or plinths.

Statuary may feature figures with curved, voluptuous forms or slender, long limbs.

Decorative techniques for statuary, ornaments, and other decorated objects include embossing, gilding, engraving, painting, repoussé (relief hammering), and/or inlaying with other materials. Decorative elements may include floral, geometric, and/or vegetal motifs, and/or inscriptions in various languages and scripts.

2. Jewelry and personal adornments – Types include, but are not limited to, amulets and amulet boxes, anklets, armbands, bangles, beads, bracelets, belts, brooches, buckles, chains, collars, crowns, scepters, and other royal regalia, earrings, hair ornaments, headdress, masks, medallions, necklaces, pectoral ornaments, and pendants. Includes metal ornaments, appliqués, clasps, and ornaments once attached to textiles or leather objects. May be decorated by chasing (embossing), enameling, engraving, filigree, gilding, granulation, inlaying, painting, and/or repoussé (relief hammering). Decoration and designs may portray deities and religious imagery from Hindu and Buddhist traditions, animals, human figures, astrological symbols, or tantric symbolism, as well as geometric, floral, or vegetal motifs. May include inlays of bone, other metals, precious stones, or semi-precious stones, including diamonds, topaz, emeralds, rubies, sapphire, pearl, aquamarine, lapis lazuli, turquoise, and coral.
3. Weapons – Includes, but is not limited to, *kukuris* (short swords with curved blades that widen towards the tip), *koras* (long swords with curved blades with flared tips), axes, spears and javelins, *ramdaos* (short chopping knives used in ritual ceremonies), sickles, *dhanush baan* (ornamented curved bows, may also include non-metal materials), shields, and *katars* (short daggers with triangular blades and split hilts), and their accompanying sheaths, hilts, pommels, and cross guards. Some weapons may be highly decorative and incorporate inlays of other types of metal, precious stones, or semi-precious stones in the sheaths and hilts. Some weapons, hilts, and sheaths may be engraved or embossed with inscriptions in various languages and scripts, geometric, floral, religious, and/or vegetal

motifs. May also be gilded, polished, burnished, painted, or filigreed, and incorporate non-metal materials.

4. Coins – Coins minted in or commonly circulating in Nepal over past millennia come in a variety of sizes and denominations. Coins may be circular, oval, square, or polygonal in shape. May be punch-marked, hammered, cast, molded, and/or gilded. Coins may include designs on one or both sides, including edges. Designs may include portraits of Buddhist and Hindu religious figures or ruling figures, religious symbols, crests, and animal, floral, architectural, geometric, and/or vegetal motifs, and/or may be inscribed in various languages and scripts.
 - a. Early Historic Period types include punch-marked coins and may include depictions of human figures and deities, as well as natural, animal, floral, and/or geometric motifs. Approximate Date: 1200 B.C.E. – 200 C.E.
 - b. Historic Period types include Lichchavi coins with portraits, depictions of deities, inscriptions, and human figures. Approximate Date: 200 – 11th century C.E.
 - c. Medieval Period types include silver and gold circular and square *mohars* and copper *dams*, and may include emblems, inscriptions, and crests featuring religious and mythological icons as well as geometric, floral, and vegetal motifs. Often with decorative borders and with a central trident icon. Approximate Date: 11th century – 1770 C.E.
5. Tools and implements – Types include, but are not limited to, adzes, arrowheads, bells, blades, celts, chisels, drills, goads, hoes, hooks, keys, knives, mirrors and mirror handles, nails, pickaxes, rakes, rods, saws, scale weights, scythes, shears, shovelheads, staffs, and tools of craftspeople such as carpenters, masons, and metalsmiths, among others. Includes musical instruments.
6. Containers and vessels – Types include, but are not limited to, conventional shapes such as basins, bottles, bowls, boxes, canisters, cauldrons, chalices, cups, dishes, ewers, flasks,

incense burners, jars, jugs, lamps, pans, plates, platters, prayer boxes, pots, rosewater sprinklers, saucepans, stands, utensils, and reliquaries and their contents. Some reliquaries may take the form of a stupa or other religious designs. Metal containers may have been decorated by chasing (embossing), engraving, gilding, inlaying, painting, punching, and/or repoussé (relief hammering). Designs include inscriptions in various languages and scripts, geometric, filigree, floral, vegetal, and animal motifs, and portrait busts or scenes of human figures and deities. Some containers and vessels, such as reliquaries, may be inlaid with precious or semi-precious stones, as well as metals such as gold and silver.

D. Plaster, Stucco, and Unfired Clay

Includes, but is not limited to ceiling decoration; friezes; figurines; wall decorations; murals; and other architectural and non-architectural decoration or sculpture. May be painted or bear traces of paint or glaze; gilded; inlaid with stones, glass, or other materials; and/or inscribed in various languages and scripts. Stucco was usually used for panels and exteriors and may have been made with molds. Unfired clay may comprise figural sculpture, such as Buddhas, bodhisattvas, or goddesses. Approximate Date: 200 – 1770 C.E.

E. Painting

Includes paintings, murals, and wall paintings, and fragments on natural stones, cave walls, building walls and ceilings, and portable media, such as paper, cloth, canvas, leather, and others.

Approximate Date: 200 – 1770 C.E. Distinctive types include:

1. *Thangkas* – Buddhist paintings on cotton or silk depicting Buddhist deities, saints, demons, mandalas, or composite scenes. *Thangkas* can be mounted when hung for display. Usually consist of many small figures surrounding one or more central scenes or deities, primarily depicting religious scenes and often colorful. May include text or inscriptions in various scripts and languages, such as Devanagari, Newar, Tibetan, Sanskrit, Brahmi, Maithili, Khas Kura. May include elements in metal, wood, or other materials.

2. *Paubhas* – Traditional religious paintings on cloth that depict deities, saints, mandalas, significant monuments, or composite scenes. May display images from Hindu or Buddhist religious traditions.

F. Ivory and Bone

1. Panels and plaques – Includes decorated and engraved panels and plaques featuring low- and high-relief carvings. May include imagery of humans and human activities, deities, animals, mythological creatures, monuments, as well as floral, geometric, architectural, and/or vegetal motifs. May be gilded and/or painted or bear traces of paint or pigment. Includes elements with ivory and/or bone inlay or finishing. Approximate Date: 200 – 1770 C.E.
2. Statuary – Includes depictions of deities or religious figures, animals, vehicles or implements, humans, and mythological creatures. Designs may include geometric, floral, and/or vegetal decorative elements. Includes inlays, finishing, or bases for statuary in other materials. Approximate Date: 200 – 1770 C.E.
3. Containers, tools, and other implements – Includes, but is not limited to, bowls; boxes; buckles; buttons; game dice and other game pieces; hooks; jewelry caskets; mirrors and mirror handles; musical instruments; needles; points; reliquaries; and other types made of ivory or bone or having ivory and/or bone inlay or finishing. May be incised, gilded, and/or painted with decorative motifs, inlaid with other materials, carved in relief, and/or inscribed in various languages and scripts. Approximate Date: 200 – 1770 C.E.
4. Jewelry and ornaments – Types include, but are not limited to, bangles; beads; buckles; chains; combs; hair ornaments; pendants; pins; rings, and other types made of ivory and bone or having ivory and/or bone inlay or finishing. Includes works that are gilded, painted, or combined with other materials. Approximate Date: 1200 B.C.E. – 1770 C.E.

G. Glass

1. Architectural elements – Includes mosaics, panes, stained glass, and tiles with various colors and designs, including geometric, floral, mythological, and/or vegetal motifs on architectural surfaces or in windows. Includes secular and religious imagery. Includes glass inlay used in architectural elements. Glass may be mirrored or stained.
Approximate Date: 200 – 1770 C.E.
2. Beads and jewelry – Includes beads in the form of animals, cylinders, cones, discs, spheres, and other shapes. Decorations may include bevels, incisions, and/or raised decoration. Glass beads may be used to adorn clothing, jewelry, ornaments, idols, or other figures. Includes glass inlay used in other types of beads, jewelry, and decorated items. Includes beads with silver-plated caps, enamel, and other materials. Approximate Date: 2500 B.C.E. – 1770 C.E.
3. Ornaments – Includes glass bangles, mirrors, and figurines. May have molded and/or inlaid decorations including, but not limited to, animals, deities, humans, geometric, floral, and vegetal motifs. Approximate Date: 200 – 1770 C.E.

H. Leather, Parchment, Birch Bark, Paper, and Palm Leaf

1. Books and manuscripts – Includes scrolls, sheets, bound volumes and their bindings, playing cards and other small items, as well as fragments and portions. May be inscribed on materials such as, but not limited to, birch bark; handmade paper, cloth or fabric; palm-leaf; and parchment. May be gathered into bindings, albums, and folios composed of leather, wood, cloth, paper, and/or paste or pulp board. May use ink, paint, and/or metals (gold and silver). Bindings may be decorated with paint, lacquer, and/or inlay; may be gilded, engraved, tooled, impressed, inscribed, and/or stamped. May have monochrome, bichrome, polychrome, and/or gold handmade decorations, decoupage and stenciled motifs, illustrations, and/or hand-made illuminations, such as decorative borders, margins, frames, medallions, cartouches, frontispieces or headpieces, paintings, panels, or scientific diagrams. Decorative elements include geometric, floral, mythological, and/or vegetal

motifs. Illustrations and illuminations may depict animals, plants, human figures, deities and saints, religious iconography, and portraiture of historical, religious, and mythical figures; landscapes and architectural scenes; and/or scenes of human activities, such as royal proceedings, religious ceremonies, hunting, battles, and historical, religious, mythological, or legendary scenes. Includes secular and religious texts. Texts may be written in various scripts, calligraphies, and languages. Approximate Date: 200 – 1770 C.E.

2. Birch bark containers. Approximate Date: 1200 B.C.E. – 1770 C.E.
3. Items of personal adornment – Primarily in leather, including arm bands, bracelets, earrings, necklaces, and other types of jewelry; belts; headpieces; sandals; sheaths; shoes; vests; and other types of clothing. May be embroidered, stamped, or embellished with other materials. Leather goods may also be combined with other textile elements.
Approximate Date: 2500 B.C.E. – 1770 C.E.
4. Weapons and armor – Primarily in leather, including armor; bow cases; quivers; saddles; sheaths; and ornaments for humans, cavalry animals, and domesticated animals.
Approximate Date: 200 – 1770 C.E.
5. Coins – Includes leather Lichchavi coins. Approximate Date: 400 – 900 C.E.

I. Wood, Shell, and other Organic Material

1. Architectural elements – Wooden elements primarily in *sal*, rosewood, *champak*, cedar, teak, beechwood, laurel, walnut, blackwood, and mahogany, but includes other types of wood. Category includes, but is not limited to, arches; balconies; balustrades; beams; columns; friezes; gates; ornamental freestanding archways or gateways; panels; partitions; posts; or fragments of architectural objects. Architectural elements may be plain; painted; carved, including with reliefs; incised; inlaid; lacquered; and/or inscribed in various languages and scripts. Decorative elements may include depictions or motifs from secular as well as religious traditions, including deities and religious figures, animals, human

figures, mythological forms, vegetation, and stylized and/or geometric designs.

Approximate Date: 2500 B.C.E. – 1770 C.E. Distinctive elements include:

- a. Tympanums (*toranas*) – Semi-circular decorative carved panels placed above and around doorways and windows. Often feature a central deity or mythological figure surrounded by other carved human and/or animal figures and geometric, curving, and floral motifs.
 - b. Windows, window screens, and lattices – Includes carved lattices placed over windows, as well as intricately carved lintels, jambs, sills, and frames. Often feature geometric designs.
 - c. Struts (*tudal*) – Intricately carved long posts that often act as supports in temples. Often carved with religious motifs, deities, human devotees, and erotic art along with floral, vegetal, geometric, and symbolic ornamentation.
2. Non-architectural elements – Wooden elements primarily in *sal*, rosewood, *champak*, cedar, teak, beechwood, laurel, walnut, blackwood, and mahogany, but including other types of wood. Category includes, but is not limited to, bookstands; bows; arrows; bedframes and platforms; saddle frames; stands; boxes; chests; furniture; musical instruments; and vessels and containers. May include relief carvings and/or inlay.

Approximate Date: 2500 B.C.E. – 1770 C.E.

3. Vessels – Made of shell or set with mother-of-pearl panels; may include, but are not limited to, bowls; boxes; fiber baskets; bamboo cups; libation vessels; plates; trays; utensils. Decorative elements may include depictions or motifs from secular as well as religious traditions, including animals, human figures, deities, mythological forms, vegetation, and stylized and/or geometric designs. Non-architectural elements may be plain, painted, carved, incised, inlaid, lacquered, and/or inscribed in various languages and scripts. Approximate Date: 2500 B.C.E. – 1770 C.E.

4. Book and manuscript covers – Often painted or inked with scenes from religious and literary traditions and dramas on the reverse. Book covers are often long and narrow. Buddhist iconography includes depictions of deities surrounded by large halos. Hindu iconography includes depictions of deities often accompanied by standing or kneeling attendants or animals, as well as human figures and stylized floral motifs. Common colors include bright red, dark blue, green, and gold. Some book covers may be carved in miniature on the obverse, painted, and/or gilded. Manuscript covers can be either single or in a pair. Approximate Date: 200 – 1770 C.E.
5. Statuary and figurines – Can be of wood, ivory, shell, tusk, mother-of-pearl, pearl, and other organic materials. Examples may include stylized and/or naturalistic depictions of human, animal, hybrid, mythological, abstract, and/or vegetal motifs from secular as well as Hindu and Buddhist religious traditions. Statuary may be polished, painted, inlaid, gilded, incised, and/or lacquered. Approximate Date: 200 – 1770 C.E.
6. Ornamentation and implements – Jewelry and other items of personal adornment; masks; and worked conches. Jewelry and ornaments made of shell, mother-of-pearl, pearl, resin, seeds, shells, tusks, and other organic materials may include, but are not limited to: anklets; arm bands; bangles; beads; bracelets; cones; earrings; headpieces and hair ornaments; inlays; necklaces; pendants; rings; studs; and other types. Includes conches that may be carved, inlaid, and/or combined with other materials. Approximate Date: 200 – 1770 C.E.

J. Human Remains

Includes human remains and fragments of human remains that have been intentionally modified or are culturally or historically significant. Includes skeletal remains, soft tissue, and ash from the human body that may be preserved in burials, reliquaries, and other contexts. Approximate Date: 32,000 B.C.E. – 1770 C.E.

II. Ethnological Material

A. Religious Architectural Elements

This category consists of non-industrial and/or handmade elements of religious architecture from Buddhist, Hindu, animistic, tantric, and other traditions. May be made of stone, ceramic or terracotta, wood, and/or metal. Approximate Date: 13th century C.E. – 1950 C.E.

1. Stone – Primarily in sandstone, limestone, marble, soapstone, granite, slate, and schist, but includes other types of stone. Includes altars, arches, balustrades, benches, bricks and blocks from walls, ceilings, and floors; columns, including capitals and bases; disks, including *amalakas* (segmented or ridged stone discs found atop Hindu temples, usually under a finial) and *chattras* (stone discs found atop Buddhist stupas); door frames, portals, and jambs; finials and spires; fountains and fountainheads; friezes; gates and freestanding archways; lintels; mosaics; panels; pillars, including capitals and bases; portable shrines and stupas; reliefs; tiles; tombstones; and window screens and lattices. May be plain, carved in relief, incised, inlaid, and/or inscribed in various languages and scripts. May be painted, polished, and/or gilded. Designs include depictions of animal, human, religious, floral, vegetal, geometric, and/or mythological motifs. Includes inscriptions.
2. Ceramic and terracotta – Includes terracotta bricks, panels, reliefs, tiles, and other elements used as elements in religious architecture. Bricks may be cut or molded to form decorative patterns on building exteriors. Mosaic designs include animal, human, religious, geometric, floral, and/or vegetal motifs. Panels and tiles may be painted, plastered, or stuccoed, or have traces of paint or plaster. Tiles may be square, polygonal, or otherwise shaped, and may be carved, incised, impressed, or molded with decorations in the form of animal, human, religious, geometric, floral, and/or vegetal motifs, and/or writing in various scripts and languages. May be glazed. Glaze may be clear, monochrome, and/or polychrome.
3. Wood – Includes hand-carved altars, arches, balconies, balustrades, struts, coffins, bedframes, doors and door frames, friezes, gates, lintels, tympana, ornamental

freestanding archways or gateways, panels, partitions, posts, window screens and lattices, portable shrines and stupas, swings, or parts thereof, used as structural elements in and/or to decorate religious architecture. These architectural elements may have been reused for other purposes, such as a wood panel used as a table, or a door jamb used as a bench. May be painted, carved, incised, inlaid, lacquered, and/or inscribed in various languages and scripts. Includes relief carvings and/or inlay.

4. Metal – Includes, but not limited to, finials, reliefs or incised plaques or roundels, affixed sculpture, statues, or idols, as well as other ornaments.

B. Religious and Ceremonial Items

Includes non-industrial and/or handmade moveable objects typically associated with use in religious and ceremonial settings. Includes, but is not limited to, objects from Hindu and religious practices, as well as animistic and/or tantric practices. Primarily in stone, metal, ceramic, wood, bone, textiles, leather, and other organic materials. Approximate Date: 13th century C.E. – 1950 C.E.

1. Statuary, sculpture, and ceremonial objects – Includes non-architectural objects used in communal religious and ceremonial settings. Sculpture from Buddhist and Hindu temples or idols used in regular or special religious ceremonies have stylistically distinct facial features, exaggerated postures, and high degrees of ornamentation. Primarily in stone, metal (especially copper, bronze, and brass), wood, ceramic, papier-mâché, cloth, bone, and ivory. Types include, but are not limited to, idols, figurines, altars, amulets, bells (freestanding and affixed), biers, bookstands, canopies, lecterns, prayer beads, conches, palanquins and processional chariots, prayer wheels, *mani* stones, plaques, portable shrines, crowns, *vajras*, priest masks for ceremonial or ritual use, screens, and stelae. Statuary may depict humans; animals; deities and saints from Buddhist and Hindu religious traditions; anthropomorphic and/or mythological figures; mandalas; and architectural or monumental figures, such as stupas. May be polished, gilded, carved in

relief, painted, incised, inlaid, and/or inscribed in various languages and scripts.

Decorative elements may include floral, geometric, and/or vegetal motifs, as well as animal, mythological, divine, religious, architectural, and/or human figures in various poses.

2. Paintings (*thangkas* and *paubas*) – Used for both Hindu and Buddhist religious practice and made by different ethnic and religious groups across Nepal. Typically ornate, detailed, and colorful.
 - a. *Thangkas* – Buddhist paintings on cotton or silk depicting Buddhist deities, saints, demons, mandalas, or composite scenes. *Thangkas* can be mounted when hung for display. Usually consist of many small figures surrounding one or more central scenes or deities, primarily depicting religious scenes and often colorful. May include text or inscriptions in various scripts and languages, such as Devanagari, Newar, Tibetan, Sanskrit, Brahmi, Maithili, Khas Kura. May include elements in metal, wood, or other materials.
 - b. *Paubhas* – Traditional religious paintings on cloth that depict deities, saints, mandalas, significant monuments, or composite scenes. May display images from Hindu or Buddhist religious traditions.
3. Vessels and containers – Includes vessels and containers of particular significance used in communal religious and ceremonial settings and made in stone, metal (especially silver, iron, copper, bronze, steel, brass, and other alloys), ceramic, wood, bone, ivory, leather, papier-mâché, and other materials. Types include, but are not limited to, amulet boxes and other boxes, bowls, particularly singing bowls, urns, ceremonial trays or plates, ritual flasks and jars, incense burners and braziers, prayer lamps, and scroll, book, or manuscript containers. May be polished, gilded, painted, incised, inlaid, covered in cloth or other materials, and/or inscribed in various languages and scripts. Decorative elements may

include floral, geometric, and/or vegetal motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses.

4. Textiles – Includes textiles used for religious and ceremonial purposes, primarily in cotton, silk, flax, wool, and linen. Types include, but are not limited to, banners, covers for notable sacred texts, parasols, sacred garments and vestments for religious idols or icons, garments for priests or priestesses. May be dyed, stamped, painted, quilted, and/or embroidered, including embroidery with metal threads (gold and/or silver) or ribbons, mirrors, and/or gems. Decorative elements may include floral, geometric, symbolic, and/or vegetal motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses. May be inscribed in various languages and scripts.
5. Jewelry – Includes jewelry and ornaments used in communal religious or ceremonial functions or settings. Primarily in metal, wood, ceramic, leather, bone, ivory, glass, and other organic material. Types include, but are not limited to, hair pieces and ornaments, headpieces, arm bands, necklaces, pendants, rings, earrings, bracelets, and bangles for decorating religious figures or icons. May be polished, gilded, carved, painted, incised, inlaid, and/or inscribed in various languages and scripts. Decorative elements may include floral, geometric, and/or vegetal motifs, as well as animal, mythological, divine, architectural, and/or human figures in various poses.
6. Burial objects and remains – Includes funerary headstones and monuments, shrouds, reliquaries and their contents, tombs and their contents, as well as any and all objects interred alongside a burial.

C. Manuscripts

Includes non-industrial and/or handmade, handwritten, hand-illustrated, and illuminated scrolls, sheets, and bound volumes. Includes fragments. Types include original royal court or government documents, original folios, treatises, or musical scores, including illustrations that may be unbound, and sacred texts. May be made from or on various media, such as paper, palm-

leaf, parchment, vellum, birchbark, cotton, silk, or cloth. May be bound in leather, cloth, metal, and/or wood. Texts may be written in various languages and scripts, such as Sanskrit, Newari, Hindi, Nepali, Ranjana, Devanagari, and/or a mix, such as Sanskrit-Newari, Sanskrit-Hindi, and Sanskrit-Nepali. May include sacred texts from Hinduism and Buddhism. Other topics include, but are not limited to, poetry, medicine, astronomy, grammar. Includes prosodic works and handbooks. May be embellished or decorated with monochrome, bichrome, or polychrome handmade illustrations and/or illuminations. These may include geometric, floral, or vegetal motifs; images of animals, plants, deities, and humans, including portraiture; landscapes; and/or scenes of human activities, such as royal proceedings, religious ceremonies, hunting, battles, and historical, religious, mythological, or legendary events or scenes. Approximate Date: 13th century C.E. – 1950 C.E.

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 Susan S. Thomas, the Executive Assistant Commissioner, Office of Trade, 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.

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

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

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

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(a) * * *

State party				Cultural property			Decision No.
				*	*	*	*
Nepal				Archaeological material of Nepal ranging in date from 32,000 B.C.E. through 1770 C.E., and ethnological material of Nepal ranging in date from the 13th century C.E. through 1950 C.E.			CBP Dec. 26-16
				*	*	*	*
* * * * *							

Susan S. Thomas
Executive Assistant Commissioner
Office of Trade
U.S. Customs and Border Protection.