

# U.S. Customs and Border Protection

**19 CFR PART 12**

**CBP DEC. 11-06**

**RIN 1515 - AD73**

## **EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON CERTAIN ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIALS FROM COLOMBIA**

**AGENCY:** Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain archaeological and ethnological materials from Colombia. The restrictions, which were originally imposed by CBP Decision (CBP Dec.) 06-09, are due to expire on March 15, 2011. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that factors 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 March 15, 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 that implemented 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. CBP Dec. 06-09 contains the Designated List of archaeological and ethnological materials of Colombia to which the restrictions apply.

**EFFECTIVE DATE:** March 15, 2011.

**FOR FURTHER INFORMATION CONTACT:** For legal aspects, Charles Steuart, Chief, Intellectual Property Rights and Restricted

Merchandise Branch, Regulations and Rulings, Office of International Trade, (202) 325-0020. For operational aspects, Michael Craig, Chief, Interagency Requirements Branch, Trade Policy and Programs, Office of International Trade, (202) 863-6558.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

Pursuant to the provisions of the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention, implemented by 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 Colombia on March 15, 2006, concerning the imposition of import restrictions on certain archeological and ethnological materials from Colombia. On March 17, 2006, CBP published CBP Dec. 06-09 in the **Federal Register** (71 FR 13757), 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 July 22, 2010, the Department of State received a request by the Government of Colombia to extend the Agreement. Subsequently, after the Department of State proposed to extend the Agreement and reviewed the findings and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, determined that the cultural heritage of Colombia continues to be in jeopardy from pillage of archaeological and ethnological resources and made the necessary determinations to extend the import restrictions for an additional five years. Diplomatic notes have been exchanged on March 1, 2011, reflecting the extension of those restrictions for an additional five-year period. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect this extension of the import restrictions.

The Designated List of archaeological and ethnological materials from Colombia covered by these import restrictions is set forth in CBP Dec. 06-09. The Designated List and accompanying image database may also be found at the following Internet Web site address: <http://exchanges.state.gov/heritage/culprop/cofact.html>.

The restrictions on the importation of these archaeological and ethnological materials from Colombia are to continue in effect

through March 15, 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 (5 U.S.C. 553(a)(1)). In addition, CBP has determined that such notice or public procedure would be impracticable and contrary to the public interest because the action being taken is essential to avoid interruption of the application of the existing import restrictions (5 U.S.C. 553(b)(B)). For the same reasons, 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 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 in the entry for Colombia by adding, after the reference to “CBP Dec. 06 –09”, the words “extended by CBP Dec. 11 -06”.

Dated: March 9, 2011

ALAN BERSIN  
*Commissioner*  
*U.S. Customs and Border Protection*

Timothy E. Skud  
 Deputy Assistant Secretary of the Treasury

[Published in the Federal Register, March 15, 2011 (76 FR 13879)]

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**NOTICE OF CANCELLATION OF CUSTOMS BROKER  
 LICENSES**

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

**ACTION:** General Notice

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the U.S. Customs and Border Protection regulations (19 CFR 111.45), the following Customs broker licenses and all associated permits are revoked with prejudice.

<i>Name</i>	<i>License #</i>	<i>Issuing Port</i>
Gregory Manuelian	09305	New York
Marquis Clearance Services, Ltd.	06207	New York

Dated: February 28, 2011

DANIEL BALDWIN  
*Assistant Commissioner*  
*Office of International Trade*

[Published in the Federal Register, March 10, 2011 (76 FR 13205)]

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**AGENCY INFORMATION COLLECTION ACTIVITIES:  
 Automated Commercial Environment Trade Survey**

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

**ACTION:** 60-Day Notice and request for comments; Establishment of a new collection of information.

**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: Automated Commercial Environment Trade Survey. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13).

**DATES:** Written comments should be received on or before May 9, 2011, 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 9<sup>th</sup> Street, NW, 5<sup>th</sup> 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 9<sup>th</sup> Street, NW, 5<sup>th</sup> 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 (Public Law 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:** Automated Commercial Environment Trade Survey

**OMB Number:** Will be assigned upon approval.

**Form Number:** None

**Abstract:** CBP plans to conduct a survey of commercial entities, including Non-Vessel Operating Common Carriers, Freight Forwarders, Foreign Trade Zones, Filers (to include Brokers and Self-Filers), Importers, Carriers and Sureties, regarding their use of and experience with the Automated Commercial Environment (ACE) system. This voluntary survey will be conducted over the internet by e-mail and/or telephone invitation. The survey will include questions about current, as well as future ACE functionalities. The results and analysis of the survey responses will be used to characterize the trade community's experience with ACE and inform future functionality deployments.

**Current Actions:** CBP proposes to establish a new collection of information.

**Type of Review:** Approval of a new collection of information.

**Affected Public:** Businesses

**Estimated Number of Respondents:** 1,000

**Estimated Time per Respondent:** 30 minutes

**Estimated Total Annual Burden Hours:** 500

Dated: March 4, 2011

TRACEY DENNING

*Agency Clearance Officer*

*U.S. Customs and Border Protection*

[Published in the Federal Register, March 10, 2011 (76 FR 13204)]

**AGENCY INFORMATION COLLECTION ACTIVITIES:****Ship's Store Declaration**

**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: 1651-0018.

**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: Ship's Stores Declaration (CBP Form 1303). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be ex-

tended with a 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 2403) on January 13, 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 April 13, 2011.

**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 [oir\\_submission@omb.eop.gov](mailto:oir_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:** Ship's Stores Declaration

**OMB Number:** 1651-0018

**Form Number:** CBP Form 1303

**Abstract:** CBP Form 1303, Ship's Stores Declaration, is used by the carriers to declare articles to be retained on board the vessel, such as sea stores, ship's stores, controlled narcotic drugs, bunker coal, or bunker oil in a format that can be readily audited and checked by CBP. The form was developed as a single international standard ship's stores declaration form to replace the different forms used by various countries for the entrance and clearance of vessels. CBP Form 1303 collects information about the ship, the ports of arrival and departure, and the articles on the ship. It is pursuant to the provisions of section 432, Tariff Act of 1930 and provided for by 19 CFR 4.7, 4.7a, 4.81, 4.85, & 4.87. This form is accessible at [http://forms.cbp.gov/pdf/CBP\\_Form\\_1303.pdf](http://forms.cbp.gov/pdf/CBP_Form_1303.pdf)

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

**Type of Review:** Extension (without change)

**Affected Public:** Businesses

**Estimated Number of Respondents:** 8,000

**Estimated Number of Responses per Respondent:** 13

**Estimated Number of Total Annual Responses:** 104,000

**Estimated Total Annual Burden Hours:** 26,000

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

Dated: March 8, 2011

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

[Published in the Federal Register, March 14, 2011 (76 FR 13655)]

## **AGENCY INFORMATION COLLECTION ACTIVITIES:**

### **Request for Entry or Departure for Flights To and From Cuba**

**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: 1651-0134.

**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 Request for Entry or Departure for Flights To and From Cuba. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13).

**DATES:** Written comments should be received on or before May 9, 2011, 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 9<sup>th</sup> Street, NW, 5<sup>th</sup> 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 9<sup>th</sup> Street, NW, 5<sup>th</sup> 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 (Public Law 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:** Request for Entry or Departure for Flights To and From Cuba

**OMB Number:** 1651–0134

**Form Number:** None

**Abstract:** Until recently, direct flights between the United States and Cuba were required to arrive or depart from one of three named U.S. airports: John F. Kennedy International Airport, Los Angeles International Airport, and Miami International Airport. On January 28, 2011, Customs and Border Protection's (CBP) regulations were amended to allow additional U.S. airports that are able to process international flights to request approval of CBP to process authorized flights between the United States and Cuba.

To be eligible to request approval to accept flights to and from Cuba, an airport must be an international airport, landing rights airport, or user fee airport, as defined and described in part 122 of the CBP regulations, and have adequate and up-to-date staffing, equipment and facilities to process international traffic.

In order for an airport to seek approval to allow arriving and departing flights from Cuba, the port authority must send a written request to CBP requesting permission. Information about the program and how to apply may be found at [http://www.cbp.gov/xp/cgov/newsroom/highlights/cuba\\_flights.xml](http://www.cbp.gov/xp/cgov/newsroom/highlights/cuba_flights.xml)

This information collection is authorized by 19 U.S.C.1433, 1644a, 8 U.S.C 1103, and provided for by 19 CFR 122.153.

**Current Actions:** This submission is being made to extend the expiration date of this information collection with a change to the burden hours resulting from revised estimates by CBP of the number of respondents. There is no change to the information being collected.

**Type of Review:** Extension (with change)

**Affected Public:** Businesses

**Estimated Number of Respondents:** 30

**Estimated Number of Responses per Respondent:** 1

**Estimated Total Annual Responses:** 30

**Estimated Time per Response:** 1 hour

**Estimated Total Annual Burden Hours:** 30

Dated: March 3, 2011

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