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R.P. 18-12 ADM-9-03 OT:RR:RD:TCR H301238 CB

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

**DEPARTMENT OF THE TREASURY**

**19 CFR Part 12**

**CBP Dec. 19-02**

**RIN 1515-AE42**

**Extension of Import Restrictions Imposed on Certain Archaeological Material from China**

**AGENCY:** U.S. 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 material from China. The restrictions, which were originally imposed by CBP Dec. 09-03 and last extended by CBP Dec. 14-02, are due to expire on January 14, 2019. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has made the requisite determination for extending the import restrictions that previously existed and entering into a new Memorandum of Understanding (MOU) with China to reflect the extension of these import restrictions. The new MOU supersedes the existing agreement that became effective on January 14, 2009.

Accordingly, these import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension through January 14, 2024.

This document also contains the amended Designated List that describes the types of

archaeological material to which the restrictions apply, including a new subcategory of glass objects from the Zhou period through the Tang period.

**DATES:** Effective January 14, 2019.

**FOR FURTHER INFORMATION CONTACT:** For regulatory aspects, Lisa L. Burley, Branch Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0215, ot-otr-culturalproperty@cbp.dhs.gov. For operational aspects, Christopher N. Robertson, Branch Chief, Commercial Targeting & Analysis Center, Trade Policy and Programs, Office of Trade, (202) 325-6586, CTAC@cbp.dhs.gov.

**SUPPLEMENTARY INFORMATION:**

**Background**

Pursuant to the Convention on Cultural Property Implementation Act, Pub. L. No. 97-446, 19 U.S.C. 2601 *et seq.* (hereinafter, “the Cultural Property Implementation Act” or “the Act”), 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 (hereinafter, “1970 UNESCO Convention” or “the Convention” (823 U.N.T.S. 231 (1972))), the United States entered into a bilateral agreement with the People’s Republic of China (China) on January 14, 2009, to impose import restrictions on certain archaeological material representing China’s cultural heritage from the Paleolithic Period (c. 75,000 B.C.) through the end of the Tang Period (A.D. 907), and monumental sculpture and wall art at least 250 years old. On January 16, 2009, U.S. Customs and Border Protection (CBP) published a final rule (CBP Dec. 09-03) in the *Federal Register* (74 FR 2838), which amended § 12.104g(a) of title 19 of the Code of Federal Regulations (19 CFR

12.104g(a)) to reflect the imposition of these restrictions, and included a list covering certain archaeological material from China.

Import restrictions listed at 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 may be extended for additional periods of not more than 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.

On April 1, 2013, the United States Department of State proposed in the *Federal Register* (78 FR 19565) to extend the agreement through a memorandum of understanding (“MOU”) between the United States and China concerning the imposition of import restrictions on archaeological material from the Paleolithic Period through the Tang Dynasty and monumental sculpture and wall art at least 250 years old. On August 1, 2013, the 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. On January 13, 2014, CBP published a final rule (CBP Dec. 14-02) in the *Federal Register* (79 FR 2088), which amended § 12.104g(a) to reflect the extension of these import restrictions for an additional five years. By request of China, this document also amended the Designated List to clarify that the restrictions as to monumental sculpture and wall art at least 250 years old should be calculated as of January 14, 2009, the date the MOU became effective. These import restrictions are due to expire on January 14, 2019.

On April 4, 2018, the United States Department of State proposed in the *Federal Register* (83 FR 14537) to extend the MOU between the United States and China concerning the

imposition of import restrictions on certain archaeological material and monumental sculpture and wall art at least 250 years old for an additional five years.

The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, after consultation with and recommendations by the Cultural Property Advisory Committee, determined that the cultural heritage of China continues to be in jeopardy from pillage of certain archaeological material and that the import restrictions should be extended for an additional five years. Subsequently, a new MOU was concluded between the United States and China. The new MOU supersedes and replaces the prior MOU, extends the import restrictions that went into effect under the prior MOU for an additional five years and adds a new subcategory of glass objects from the Zhou period through the Tang period. This new MOU is titled: “Memorandum of Understanding Between the Government of the United States of America and the Government of the People’s Republic of China Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of China.” The new MOU revises the Designated List of cultural property described in CBP Dec. 14-02, as set forth below. Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of these import restrictions.

The restrictions on the importation of archaeological material from China are to continue in effect through January 14, 2024. Importation of such material from China 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.

### *Amended Designated List*

The Designated List, covering articles from the Paleolithic Period (c. 75,000 B.C.) through the end of the Tang Period (A.D. 907) and monumental sculpture and wall art at least 250 years old as of January 14, 2009, that are protected pursuant to the existing MOU, has been revised. Under the new MOU, a new subcategory of objects under “Section VIII Glass” has been added to include “beads”, pursuant to 19 U.S.C. 2606, and the word “mostly” preceding the word “tablewares” in the same section has been removed. Grammatical changes have been made to the Designated List in “Section II Stone” for Other Stone sculptures associated with Buddhism, and in “Section III Metal” for Bronze musical instruments of the Zhou through Tang period and miscellaneous Bronze items. Additionally, the words “Dynasty” or “Dynasties” and “period” have been added for clarity, where appropriate, throughout the Designated List. The Designated List and additional information may also be found at the following website address: <https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/current-import-restrictions> under “China.” For ease of reference, the Designated List that was published in CBP Dec. 14-02, including the revisions mentioned above, is reproduced below:

### **Amended Designated List of Archaeological Material of China**

#### *Simplified Chronology*

Paleolithic period (c. 75,000-10,000 BC).

Neolithic period (c. 10,000-2000 BC).

Erlitou and other Early Bronze Age cultures (c. 2000-1600 BC).

Shang Dynasty and other Bronze Age Cultures (c. 1600-1100 BC).

Zhou Dynasty (c. 1100-256 BC).

Qin Dynasty (221-206 BC).

Han Dynasty (206 BC-AD 220).

Three Kingdoms (AD 220-280).

Jin Dynasty (AD 265-420).

Southern and Northern Dynasties (AD 420-589).

Sui Dynasty (AD 581-618).

Tang Dynasty (AD 618-907).

## **I. Ceramic**

The ceramic tradition in China extends back to at least the 6<sup>th</sup> millennium BC and encompasses a tremendous variety of shapes, pastes, and decorations. Chinese ceramics include earthenwares, stonewares and porcelains, and these may be unglazed, glazed, underglazed, painted, carved, impressed with designs, decorated with applied designs or a combination of all of these. Only the most distinctive are listed here. Vessels are the most numerous and varied types of ceramics. Ceramic sculptures include human, animal, mythic subjects, and models of scenes of daily life. Architectural elements include decorated bricks, baked clay tiles with different glaze colors, and acroteria (ridge pole decorations).

### *A. Vessels*

#### *1. Neolithic Period.*

Archaeological work over the past thirty years has identified numerous cultures of the Neolithic period from every part of China, all producing distinctive ceramics. Early Neolithic cultures (c. 7500-5000 BC) include such cultures as Pengtoushan (northern Hunan Province), Peiligang (Henan Province), Cishan (Hebei Province), Houli (Shandong Province), Xinglongwa (eastern Inner Mongolia and Liaoning Province), Dadiwan and Laoguantai (Gansu and Shaanxi Province), and Xinle (Liaodong peninsula, Liaoning Province), among others. Examples of

Middle Neolithic cultures (c. 5000-3000 BC) include Yangshao (Shaanxi, Shanxi, and Henan Provinces), Daxi (eastern Sichuan and western Hubei Provinces), Hemudu (lower Yangzi River valley, Zhejiang Province), Majiabang (Lake Tai/Taihu area to Hangzhou Bay, Zhejiang and southern Jiangsu Provinces), Hongshan (eastern Inner Mongolia, Liaoning, and northern Hebei Provinces), and Dawenkou (Shandong Province), among others. Later Neolithic cultures (c. 3500-2000 BC) include Liangzhu (lower Yangzi River Valley), Longshan (Shandong and Henan Provinces), Taosi (southern Shanxi Province), Qujialing (middle Yangzi River valley in Hubei and Hunan Provinces), Baodun (Chengdu Plain, Sichuan Province), Shijiahe (western Hubei Province), and Shixia (Guangdong Province), among many others.

Neolithic vessels are sometimes inscribed with pictographs. When present, they are often single incised marks on vessels of the Neolithic period, and multiple incised marks (sometimes around the rim) on late Neolithic vessels.

a. *Yangshao*: The “classic” form of Neolithic culture, c. 5000-3000 BC in Shanxi, Shaanxi, Gansu, Henan, and adjacent areas. Hand-made, red paste painted with black, sometimes white motifs that are abstract, and depict plants, animals, and humans. Forms include bulbous jars with lug handles, usually with a broad shoulder and narrow tapered base, bowls, open mouth vases, and flasks (usually undecorated) with two lug handles and a pointed base.

b. *Shandong Longshan*: Vessels are wheel-made, black, very thin-walled, and highly polished, sometimes with open cut-out decoration. Forms include tall stemmed cups (*dou*), tripods (*li* and *ding*), cauldrons, flasks, and containers for water or other liquids.

## 2. Erlitou, Shang, and Zhou Vessels.

a. Vessels are mostly utilitarian gray paste cooking tripod basins, cooking and storage jars, wide mouth containers, pan circular dishes with flat base, and broad three legged versions of pans. The latter also appear in fine gray and black pastes. The forms of these include the kettle with lid (*he*), tripod liquid heating vessel with pouring spout (*jue*), tripod cooking pot (*ding*), goblet or beaker (*gu*), and tripod water heater without pouring spout (*jia*).

b. *Shang and Zhou*: Vessels may be wheel-made or coiled. Vessels can be utilitarian gray paste cooking vessels, often cord-impressed, or more highly decorated types. Surfaces can be impressed and glazed yellow to brown to dark green. White porcelain-like vessels also occur. Forms include those of the Erlitou plus wide-mouth containers and variously shaped jars and serving vessels.

## 3. Qin through Southern and Northern Vessels.

Most vessels are wheel-made. The main developments are in glazing. Earthenwares may have a lead-based shiny green glaze. Grey stonewares with an olive color are called Yue ware.

## 4. Sui and Tang Vessels.

**Note:** Most vessels are wheel-made.

a. *Sui*: Pottery is plain or stamped.

b. *Tang*: A three-color glazing technique is introduced for earthenwares (*sancai*). Green, yellow, brown, and sometimes blue glazes are used together on the same vessel. For stoneware, the olive glaze remains typical.

## *B. Sculpture*

1. *Neolithic*: Occasional small figurines of animals or humans. From the Hongshan culture come human figures, some of which appear pregnant, and human faces ranging from small to life-size, as well as life-size and larger fragments of human body parts (ears, belly, hands, and others).

2. *Shang through Eastern Zhou*: Ceramic models and molds for use in the piece-mold bronze casting process. Examples include frontal animal mask (*taotie*), birds, dragons, spirals, and other decorative motifs.

3. *Eastern Zhou, Qin and Han*: Figures are life-size or smaller. They are hand- and mold-made, and may be unpainted, painted, or glazed. Figures commonly represent warriors on foot or horseback, servants, acrobats, and others. Very large numbers date to the Han Dynasty. In some cases, the ceramic male and female figurines are anatomically accurate, nude, and lack arms (in these cases, the figures were originally clad in clothes and had wooden arms that have not been preserved). Other ceramic objects, originally combined to make scenes, take many forms including buildings, courtyards, ships, wells, and pig pens.

4. *Tang*: Figures depicting Chinese people, foreigners, and animals may be glazed or unglazed with added paint. Approximately 15 cm to 150 cm high.

## *C. Architectural Decoration and Molds*

1. *Han*: Bricks having a molded surface with geometric or figural design. These depict scenes of daily life, mythic and historical stories, gods, or demons.

2. *Three Kingdoms through Tang*: Bricks may be stamped or painted with the same kinds of scenes as in the Han Dynasty.

3. *Han through Tang*: Roof tiles may have a corded design. Eaves tiles with antefixes have Chinese characters or geometric designs. Glazed acroteria (ridge pole decorations) in owl tail shape.

## **II. Stone**

### *A. Jade*

Ancient Chinese jade is, for the most part, the mineral nephrite. It should be noted, however, that many varieties of hard stone are sometimes called “jade” (*yu*) in Chinese. True nephrite jade can range in color from white to black, and from the familiar shades of green to almost any other color. Jade has been valued in China since the Neolithic period. Types commonly encountered include ornaments, amulets, jewelry, weapons, insignia, and vessels.

#### *1. Ornaments and jewelry.*

a. *Neolithic (Hongshan)*: Types are mostly hair cylinders or pendant ornamental animal forms such as turtles, fish-hawks, cicadas, and dragons. One common variety is the so-called “pigdragon” (*zhulong*), a circular ring form with a head having wrinkled snout (the “pig”) and long dragon-like body.

b. *Neolithic (Liangzhu)*: Types include awl-shaped pendants, three-prong attachments, openwork crown-shapes, beads, birds, fishes, and frogs.

c. *Neolithic (Shandong Longshan) and Erlitou*: Ornaments for body and clothing such as stick pins and beads.

d. *Shang and Zhou*: Earrings, necklaces, pectorals, hair stickpins, ornaments, sometimes in the shape of small animals, dragons, or other forms; belt buckles, and garment hooks. During the Zhou Dynasty, elaborate pectorals made of jade links, and jade inlay on bronze appear.

e. *Qin, Han and Three Kingdoms*: Pectoral ornaments and small-scale pendants continue to be produced. Types include pectoral slit earrings, large disks (*bi*), openwork disks (*bi*), openwork plaques showing a mythic bird (*feng*), and various types of rings. Entire burial suits of jade occur during the Han Dynasty. More frequently occurring are Han Dynasty belt hooks decorated with dragons, and garment hooks.

## 2. *Weapons, Tools, and Insignia.*

a. *Neolithic (Liangzhu)*: Types include weapons such as broad-bladed axes (*yue*), long rectangular or trapezoidal blades (*zhang*), often with holes along the back (non-sharpened) edge for hafting; and tools such as hoe, adze, knife blades.

b. *Neolithic (Shandong Longshan) and Erlitou*: Broad axe (*yue*) and halberd or “dagger axe” (*ge*).

c. *Shang and Zhou*: Broad axes (*yue*) and halberd (*ge*) may be attached to turquoise inlaid bronze shafts.

d. *Neolithic (Liangzhu) to Zhou*: Tool types include hoe, adze, knife blades.

e. *Neolithic (Shandong Longshan) to Zhou*: Insignia blades based on tool shapes such as long hoe, flat adze, and knife.

## 3. *Ceremonial paraphernalia.*

*Neolithic--Han*: Types include flat circular disks (*bi*) with a cut-out central hole and prismatic cylindrical tubes (*cong*), usually square on the outside with a circular hole through its length, often with surface carving that segments the outer surface into three or more registers.

The *cong* tubes are often decorated with a motif on each corner of each register showing abstract pairs of eyes, animal and/or human faces. *Cong* tubes, while most closely linked with the Liangzhu culture, were widely distributed among the many late Neolithic cultures of China.

4. *Vessels.*

a. *Shang through Han:* Types include eared cups and other tableware.

b. *Qin through Tang:* Tableware forms such as cups, saucers, bowls, vases, and inkstones.

5. *Other.*

Chimes from all eras may be rectangular or disk-shaped.

B. *Amber*

Amber is used for small ornaments from the Neolithic through Tang Dynasties.

C. *Other Stone*

1. *Tools and Weapons.*

a. *Paleolithic and later eras:* Chipped lithics from the Paleolithic and later eras including axes, blades, scrapers, arrowheads, and cores.

b. *Neolithic and later eras:* Ground stone including hoes, sickles, spades, axes, adzes, pestles, and grinders.

c. *Erlitou through Zhou:* As with jade, weapon types include blades, broad axes (*yue*), and halberds (*ge*).

## 2. *Sculpture.*

Stone becomes a medium for large-scale images in the Qin and Han Dynasties. It is put to many uses in tombs. It also plays a major role in representing personages associated with Buddhism, Daoism, and Confucianism.

### a. *Sculpture in the round.*

**Note:** This section includes monumental sculpture at least 250 years old as of January 14, 2009.

i. *Shang*: Sculpture includes humans, often kneeling with hands on knees, sometimes with highly decorated incised robes, owls, buffalo, and other animals. The Jinsha site near Chengdu, Sichuan, dating to the late Shang Dynasty, has yielded numerous examples of stone figurines in a kneeling position, with carefully depicted hair parted in the center, and with hands bound behind their back.

ii. *Han to Qing*: The sculpture for tombs includes human figures such as warriors, court attendants, and foreigners. Animals include horse, tiger, pig, bull, sheep, elephant, and fish, among many others.

iii. The sculpture associated with Buddhism is usually made of limestone, sandstone, schist and white marble. These may be covered with clay, plaster, and then painted. Figures commonly represented are the Buddha and disciples in different poses and garments.

iv. The sculpture associated with Daoism is usually sandstone and limestone, which may be covered and painted. Figures commonly represented are Laozi or a Daoist priest.

v. The sculpture associated with Confucianism represents Confucius and his disciples.

### b. *Relief Sculpture.*

i. *Han*: Relief sculpture is used for all elements of tombs including sarcophagi, tomb walls, and monumental towers. Images include hunting, banqueting, historical events, processions, scenes of daily life, fantastic creatures, and animals.

ii. *Tang*: Tomb imagery now includes landscapes framed by vegetal motifs.

c. *Art of cave or grotto temples*.

**Note:** This section includes monumental sculpture at least 250 years old as of January 14, 2009.

*Han--Qing*: These temples, mostly Buddhist, combine relief sculpture, sculpture in the round, and sometimes mural painting. The sculptures in the round may be stone or composites of stone, wood, and clay and are painted with bright colors.

d. *Stelae*.

**Note:** This section includes monumental sculpture at least 250 years old as of January 14, 2009.

*Han--Qing*: Tall stone slabs set vertically, usually on a tortoise-shaped base and with a crown in the form of intertwining dragons. Stelae range in size from around 0.60m to 3m. Some include relief sculpture consisting of Buddhist imagery and inscription, and others are secular memorials with long memorial inscription on front and back faces.

### 3. *Architectural Elements*.

a. *Erlitou through Zhou*: Marble or other stone is used as a support for wooden columns and other architectural or furniture fixtures.

b. *Qing*:

**Note:** This section includes monumental sculpture at least 250 years old as of January 14, 2009.

Sculpture is an integral part of Qing Dynasty architecture. Bridges, archways, columns, staircases and terraces throughout China are decorated with reliefs. Colored stones may be used, including small bright red, green, yellow and black ones. Statue bases are draped with imitations of embroidered cloths. Stone parapets are carved with small, elaborately adorned fabulous beasts.

#### 4. *Musical Instruments.*

*Neolithic through Han, and later:* Chimestones, chipped and/or ground from limestone and other resonant rock. They may be highly polished, carved with images of animals or other motifs, and bear inscriptions in Chinese characters. They usually have a chipped or ground hole to facilitate suspension from a rack.

### **III. Metal**

The most important metal in traditional Chinese culture is bronze (an alloy of copper, tin and lead), and it is used most frequently to cast vessels, weapons, and other military hardware. Iron artifacts are not as common, although iron was used beginning in the middle of the Zhou Dynasty to cast agricultural tool types, vessels, weapons and measuring utensils. As with ceramics, only the most distinctive are listed here.

#### *A. Bronze*

##### *1. Vessels.*

**Note:** Almost any bronze vessel may have an inscription in archaic Chinese characters.

a. *Erlitou:* Types include variations on pots for cooking, serving and eating food including such vessels as the cooking pot (*ding*), liquid heating vessel with open spout (*jue*), or with tubular spout (*he*), and water heater without spout (*jia*).

b. *Shang:* Bronze vessels and implements include variations on the ceramic posts used for cooking, serving, and eating including but not limited to the tripod or quadripod cooking pot (*ding*), water container (*hu*), and goblet (*gu*). Animal-shaped vessels include the owl, mythic bird, tiger, ram, buffalo, deer, and occasionally elephant and rhinoceros. Most types are decorated with symbolic images of a frontal animal mask (*taotie*) flanked by mythical birds and dragons, or with simpler images of dragons or birds, profile cicadas, and geometric motifs, including a background “cloud and thunder” pattern of fine squared spirals.

c. *Zhou*: Types include those of previous eras. Sets begin to be made with individual vessels having similar designs. Late innovations are made to surface treatment: Relief decorations of intertwined dragons and feline appendages; inlay with precious stones and gems; inlay with other metals such as gold and silver; gilding; pictorial narratives featuring fighting, feasting and rituals; and various geometric designs.

d. *Qin and Han*: All vessel types and styles popularized of the immediately preceding era continue.

## 2. *Sculpture*.

a. *Shang and other Bronze Age Cultures through Zhou*: Wide variety of cast human and animal sculptures. Particularly distinctive are the bronze sculptures from the Sanxingdui Culture in Sichuan which include life-sized human heads (often with fantastic features and sometimes overlaid with gold leaf) and standing or kneeling figurines ranging in size from 5 cm to more than 2 meters; tree-shaped assemblages; birds, dragons, and other real and fantastic animals. Bronze sculpture from Chu and related cultures include supports for drums and bell sets (often in the shape of guardian figures, fantastic animals, or intertwined snakes).

b. *Qin and Han*: Decorative bronze types include statues of horses, lamps in the shape of female servants, screen supports in the shape of winged immortals, incense burners in the shape of mountains, mirrors, and inlaid cosmetic boxes.

c. *Buddhist*: In the Han Dynasty, there first appear small portable images of Sakyamuni Buddha. During the next historical eras, such images proliferate and become more varied, in terms of size and imagery. Most of these are free-standing, depicting such subjects as the historical Buddha Sakyamuni, Buddhas associated with paradises, Buddha's disciples, and scenes from the *Lotus Sutra*. Gilt bronzes are made from the Han to Tang Dynasties.

### 3. *Coins.*

a. *Zhou Media of Exchange and Tool-shaped Coins:* Early media of exchange include bronze spades, bronze knives, and cowrie shells. During the 6th century BC, flat, simplified, and standardized cast bronze versions of spades appear and these constitute China's first coins. Other coin shapes appear in bronze including knives and cowrie shells. These early coins may bear inscriptions.

b. Later, tool-shaped coins began to be replaced by disc-shaped ones, which are also cast in bronze and marked with inscriptions. These coins have a central round or square hole.

c. *Qin:* In the reign of Qin Shi Huangdi (221-210 BC), the square-holed round coins become the norm. The new Qin coin is inscribed simply with its weight, expressed in two Chinese characters *ban liang*. These are written in small seal script and are placed symmetrically to the right and left of the central hole.

d. *Han through Sui:* Inscriptions become longer, and may indicate that the inscribed object is a coin, its value in relation to other coins, or its size. Later, the period of issue, name of the mint, and numerals representing dates may also appear on obverse or reverse. A new script, clerical (*lishu*), comes into use in the Jin Dynasty.

e. *Tang:* The clerical script becomes the norm until AD 959, when coins with regular script (*kaishu*) also begin to be issued.

### 4. *Musical Instruments.*

a. *Shang:* Instruments include individual clapper-less bells (*nao*), singly and in sets. Barrel drums lay horizontally, have a saddle on top, and rest on four legs.

b. *Zhou through Tang*: Bells and bell sets continue to be important. The bells vary considerably in size and in shape. Other instruments include mouth organs (*hulu sheng*), gongs, cymbals, and a variety of types of drums, including drums (*chunyu*) and large “kettledrums” from south and southwest China.

#### 5. *Tools and Weapons.*

Tools and implements of all eras include needles, spoons, ladles, lifting poles, axes, and knives. Weapons and military gear include the broad axe, dagger axe, knives, spear points, arrowheads, helmets, chariot fittings, combination of spear and dagger (*ji*), cross-bow, and horse frontlets.

#### 6. *Miscellaneous.*

Other bronze items include but are not limited to mirrors, furniture parts, and utensils such as belt buckles, garment hooks, weights, measuring implements, incense burners, lamps, spirit trees, tallies, seals, rings, bells, and cosmetic containers.

### *B. Iron*

Iron is used for such utilitarian objects as axes, hammers, chisels, and spades. At the end of the Zhou Dynasty, steel swords with multi-faceted metal inlay are produced.

1. *Zhou through Han*: Bimetallic weapons such as iron-bladed swords and knives with a bronze hilt.

2. *Three Kingdoms through Sui*: Small-scale Buddhist images are cast.

3. *Tang*: Large-scale castings include Buddhist statues, bells, lions, dragons, human figures, and pagodas.

### *C. Gold and Silver*

During the Shang and Zhou Dynasties, gold is used to produce jewelry and a limited number of vessel types, and as gilding, gold leaf, or inlay on bronze. Gold and silver become widely used in the Han Dynasty and remain so through the Tang Dynasty. Objects include vessels such as cups, ewers, jars, bowls; utensils such as lamps, containers, jewelry, liturgical wares, furniture parts; and Buddhist sculpture such as images of Buddha and reliquaries.

### **IV. Bone, Ivory, Horn, and Shell**

*Neolithic through Tang:* The most important uses of these materials is for vessels, seals, small-scale sculptures, and personal ornaments. In the Neolithic period, Erlitou culture, and Shang Dynasty, bone (bovine scapula and tortoise plastrons, or lower shells) is used for divination: A carefully prepared bone or shell was thinned by drilling series of holes almost through the bone, to which heat was applied to make the bone crack. In some cases from the Late Shang Dynasty, the bones carry inscriptions revealing the date and nature of the question asked and, occasionally, the outcome of the event. The cowrie shells used as money in the Shang Dynasty and later periods show signs of use. Worked shell imitations of cowries are also known. Ivory and horn are used to craft tableware utensils such as cups and containers as early as the Shang Dynasty; these are sometimes inlaid with turquoise or other stones.

### **V. Silks and Textiles**

*Neolithic through Tang:* Silk worms are domesticated in China as early as the Neolithic period. Silk cloth is preserved as garments and parts thereof, as a covering for furniture, and as painted or embroidered banners. Techniques include flat weave, moiré, damask, gauze, quilting, and embroidery.

## **VI. Lacquer and Wood**

*Neolithic through Tang:* Lacquer is a transparent sap collected from the lac tree. When dissolved, it may be repeatedly applied to a wood or fabric form. The resulting product is sturdy and light. Lacquer vessels first appear in the Neolithic period, and become highly sophisticated and numerous by the middle Zhou through Han Dynasties. In the Sui and Tang Dynasties, the practice is invented of creating a hard, thick surface of lacquer with the application of many thin layers. The resulting object may be carved and or inlaid before it hardens completely. Common colors for lacquer are red and black. Object types include: Vessels such as bowls, dishes, and goblets; military gear such as shields and armor; musical instruments such as zithers (*qin*) and drums, related supports for drums and for bell sets; and boxes and baskets with painted or carved lids.

Wooden objects from this era are mainly preserved when painted with lacquer. These include architectural elements, utensils, coffins, musical instruments, and wood sculptures.

## **VII. Bamboo and Paper**

*Zhou through Tang:* Types include texts on bamboo and wooden slips, and on paper. The slips may be found singly, or in groups numbering into the thousands. Some Buddhist sutras were printed with movable wooden type.

## **VIII. Glass**

*Zhou through Tang:* Glass types include beads and tablewares, such as cups, plates, and saucers.

## **IX. Painting and Calligraphy**

### *A. Wall Painting*

**Note:** This section includes wall art at least 250 years old as of January 14, 2009.

The painted bricks of the Han through Tang tomb walls have already been mentioned. That tradition is partially concurrent with a fresco tradition that runs from the Han through Qing Dynasties. Temples including those in caves or grottos have wall paintings with Buddhist, Confucian, and Daoist themes.

### *B. Other Painting*

*Han through Tang:* Paintings, dating to as early as the Southern and Northern Dynasties, are on such media as banners, hand-scrolls, and fans. Subjects are drawn from Buddhism, Confucianism, and Daoism. Other subjects include landscapes and hunting scenes.

## **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).

## **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 Orders 12866 and 13771**

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 or Executive Order 13771 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 and section 4(a) of Executive Order 13771.

## **Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

## **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;

\* \* \* \* \*

#### **§ 12.104g [Amended]**

2. In § 12.104g, in paragraph (a), the table is amended in the entry for People's Republic of China by removing the words "CBP Dec. 09-03 extended by CBP Dec. 14-02" in the column headed "Decision No.", and adding in their place the words "CBP Dec. 19- 02".

Kevin K. McAleenan,  
Commissioner,  
U.S. Customs and Border Protection.

Approved: January 9, 2019

David J. Kautter,  
Assistant Secretary of the Treasury.

[FR Doc. 2019-00065 Filed: 1/10/2019 11:15 am; Publication Date: 1/14/2019]