



Submitted via regulations.gov portal  
January 10, 2023

Ms. Alexandra Jones  
Chair of the U.S. Cultural Property Advisory Committee  
Cultural Heritage Center (ECA/P/C)  
U.S. Department of State  
2200 C Street, NW  
Washington, DC 20037

Subject: Uzbekistan, DOS-2022-0048

Dear Ms. Jones and Members of the U.S. Cultural Property Advisory Committee:

On behalf of the Ancient Coin Collectors Guild and the American Numismatic Association, this responds to object to the proposed MOU and associated import restrictions with the Government of Uzbekistan, as it may impact ancient coins. Published at 87 Federal Register 78184 (December 21, 2022), the public notice states that the Government of Uzbekistan submitted a request for import restrictions on archaeological and ethnological material, and that "additional information on the request, including categories of material that may be included in import restrictions" can be found at "<http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-February-02-2023>." The public notice also states that any written comments or request to offer oral comments must be submitted by January 23, 2023.

We believe that the public notice of December 21, 2022, however, is legally invalid and needs to be rescinded and reissued with more complete information. As we will detail, there are at least two procedural deficiencies that render the public notice legally invalid. First, the public notice offers only a short and inadequate time period for the public to submit written or oral comments. Second, the public notice's cited website -- as of January 1, 2023 -- offered in fact NO information on the "categories of material that may be included in import restrictions." And while the cited website was updated as of January 2, 2023, to state for the first time that Uzbekistan requested import restrictions of "ethnological material [that] date from the 7<sup>th</sup> century CE to 1916 CE" and that it includes "coins," this is an extremely late notice that is still legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.

Finally, while the public notice of December 21, 2022 offered no information whether ancient coins are being considered for import restrictions until the agency's website was updated as of January 2, 2023, we also make six substantive objections under the Cultural Property Implementation Act (CPIA) at least as to ancient coins. First, that "coins" cannot be considered "ethnological material" under the CPIA's 19 U.S.C. § 2601(2)(C)(ii). Second, that ancient coins do not qualify as artifacts of "cultural significance" under CPIA's 19 U.S.C. § 2601(2)(C)(i)(I).



Third, it cannot be assumed that particular “Uzbek ancient coinage” was “first discovered within” and “subject to the export control” of Uzbekistan, which is required by CPIA’s 19 U.S.C. § 2601(2)(C). Fourth, import restriction of any such ancient coins should not occur because there is one available “remed[y] less drastic than the application of the restrictions” under CPIA’s 19 U.S.C. § 2602(a)(1)(C)(ii). Fifth, there is no indication that Uzbekistan has submitted a statement of facts that addresses the matters upon which the Department makes the determinations under CPIA’s 19 U.S.C. § 2602(a)(1). Sixth, that “coins” minted after 1773 cannot be considered to be an “object of archaeological interest” under CPIA’s 19 U.S.C. § 2601(2)(C)(i)(II), which requires such objects must be “at least two hundred and fifty years old.”

The Ancient Coin Collectors Guild (ACCG) is a nonprofit organization, whose mission is to promote and nurture the free and independent collecting of coins<sup>1</sup> from antiquity through education, political action and consumer protection. Our goal is to foster an environment in which the general public can confidently and legally acquire and hold, for personal or professional use, any numismatic item of historical interest regardless of date or place of origin. We do not in any way support, condone or defend the looting of designated archaeological sites, nor the violation of any nation's laws concerning the import or export of antiquities. We have twenty-four affiliate member organizations and advocates for the interests of thousands of ancient coin collectors and hundreds of small businesses of the numismatic trade. More information regarding the ACCG may be found at our website at [accguild.org](http://accguild.org).

The American Numismatic Association is a nonprofit organization dedicated to educating and encouraging people to study and collect coins and related items. The Association serves the academic community, collectors and the general public with an interest in numismatics. With over 28,000 members the Association is our nation’s largest numismatic organization. More information about the Association can be found at its website at <https://www.money.org>.

I. Procedural Violation: The December 21, 2022 public notice fails to afford the public a meaningful opportunity to comment, since it gives the public only 33 days to submit written or oral comments by January 23, 2023.

The public notice’s time period giving only 33-days for the public to submit written or oral comments, as published at 87 Federal Register 78184 (December 21, 2022), does not afford the public a meaningful opportunity to comment. Even more problematic, the agency’s cited website was updated as of January 2, 2023, where for the first time it stated that it would consider import restrictions of “coins” “from the 7th century CE to 1916 CE.” This means that the updated website gave the public even less time to respond to this new information, since it is only 21 days before the agency’s comment closure date of January 23, 2023!

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<sup>1</sup> The coin is “a mirror of the ancient world, which indicates the progress of the arts, which accompanies human society in all its aspects, civic life, laws, institutions, wars, conquests, peace treaties, changes of government, trade, and alliances. It perpetuates the fame of noble generations and keeps alive the memory of great men [as well as great women].” Elvira Eliza Clain-Stefanelli, Numismatics - An Ancient Science A Survey of its History at 3 (U.S. Government Printing Office, 1968) quoting Ernest Charles Babelon, Traité des monnaies grecques et romaines: Théorie et doctrine, Volume 1, col 66 (Paris, 1901).



This failure to offer the public a timely and meaningful opportunity to comment violates the Administrative Procedure Act, 5 U.S.C. § 533(c), that requires that an agency “shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation.” The important purposes of the Administrative Procedure Act’s notice and comment procedure cannot be overstated.

As the D.C. Circuit has observed repeatedly, the goals of notice-and-comment rulemaking procedures are “to reintroduce public participation and fairness to affected parties, after governmental authority has been delegated to unrepresentative agencies, and to assure that the agency will have before it the facts and information relevant to a particular administrative problem as well as suggestions for alternative solutions.” *American Hosp. Ass’n v. Bowen*, 834 F.2d 1037, 1044 (D.C. Cir. 1987)(internal citations, quotation marks, and brackets omitted). The agency itself benefits from the experience and input of comments by the public, which help “ensure informed agency decision making.” *Spartan Radiocasting Co. v. FCC*, 619 F.2d 314, 321 (4th Cir.1980). By giving the necessary “meaningful opportunity” for the public to comment, the public benefits and the agency maintains a flexible and open-minded attitude. *Rural Cellular Ass’n v. FCC*, 588 F.3d 1095, 1101 (D.C. Cir. 2009) citing *Gerber v. Norton*, 294 F.3d 173, 179 (D.C. Cir. 2002).

The limited 33-day public comment time period also violates Executive Order 12866, § 6(a), 58 Fed. Reg. 51735 (October 4, 1993) which provides that “each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.”

II. Procedural Violation: The public notice’s cited website -- as of January 1, 2023 -- offered in fact NO information on the “categories of material that may be included in import restrictions.” While the cited website was updated as of January 2, 2023, to state for the first time that Uzbekistan seeks to impose import restrictions on “coins” “from the 7th century CE to 1917 CE,” this is an extremely late notice, that is still legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.

A. The public notice at 87 Federal Register 78183 (December 21, 2022), states that the Government of Uzbekistan seeks U.S. “import restrictions on archaeological and ethnological material.” And the public notice states that “each agenda item, including categories of material that may be included in import restrictions” can be found at “<http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-February-02-2023>.” Our review of the cited website from December 22, 2022 through January 1, 2023, however, found NO such “categories of material that may be included in import restrictions.”

In fact, NO information was provided to the public as to the categories of material being considered for import restrictions by the CPAC. The utter lack of such critical information means that the public notice and the cited website has failed to offer ANY factual details, as to what is being considered and whether and what types of ancient coins is being considered for



import restrictions. The utter lack of such critical information -- when the agency asserted that it would be provided -- denies the ability of the public to submit meaningful comments.

B. While the agency's cited website was updated as of January 2, 2023, to state for the first time that Uzbekistan seeks to impose import restrictions on "coins" "from the 7th century CE to 1917 CE," this is an extremely late notice, that is legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.

For the public to be advised as of January 2, 2023 that the CPAC is considering import restrictions of coins, does not afford the public with sufficient advance notice to allow for meaningful public comments. Instead, the CPAC should issue a revised public notice since the Administrative Procedure Act requires an agency's notice must "provide sufficient factual detail and rationale for the rule to permit interested parties to comment meaningfully." *Fla. Power & Light Co. v. United States*, 846 F.2d 765, 771 (D.C. Cir.1988). Moreover, if there is a consideration to impose import restrictions of ancient coins, then it must be first fully explained. The failure of an agency to comply with the procedural requirement to provide a "reasoned explanation" for its action is "arbitrary and capricious" under the Administrative Procedure Act. *Dept. of Homeland Security v. Regents of the University of California*, 140 S.Ct. at 1916 (2020).

### III. Substantive Objections

While the public notice and cited website offers late and inadequate information that coins are being considered for import restrictions -- and reserving our right to litigate if these clear procedural deficiencies are not first corrected -- we also make six substantive objections why Uzbek ancient coinage should not be subject to import restrictions under the Cultural Property Implementation Act (CPIA).

#### A. "Coins" cannot be considered "ethnological material" under the CPIA's 19 U.S.C. § 2601 (2)(C)(ii).

While the agency's website updated as of January 2, 2023 states that "ethnological material" such as "coins" would be considered for import restrictions, coins cannot be considered "ethnological material" under the CPIA's 19 U.S.C. § 2601(2)(C)(ii). This is because the Act clearly defines "ethnological material" as an object that must be both "(I) the product of a tribal or nonindustrial society, and (II) important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development, or history of that people." Coins are not the crafts of tribal cultures, but the products of what at the time were sophisticated industrial mass-production practices. Indeed, the Act's legislative history at Senate Report 97-564 Implementing Legislation For The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (September 8, 1982), p. 5, made clear that the "committee does not intend the definition of ethnological materials under this title to apply to trinkets and other objects that are common or repetitive or essentially alike in material design, color, or other outstanding characteristics with other objects of the same type." Since coins are "objects that are common or repetitive or essentially alike in material design, color, or other outstanding characteristics," they cannot be considered "ethnological material."



B. Ancient coins do not qualify as artifacts of “cultural significance” under CPIA’s 19 U.S.C. § 2601(2)(C)(i)(I).

The ACCG continues to believe that coins should not qualify as artifacts of “cultural significance” under the CPIA’s 19 U.S.C. § 2601(2)(C)(i)(I). During the legislative debate preceding passage of CPIA, the U.S. State Department representative, Mr. Mark Feldman, made it clear that coins were not considered objects of concern under the proposed Act. Responding to questions posed by Congressman Vanik, which included concerns that “a government may declare that all ancient coins within its borders are government property” as part of its “archaeological or ethnological material” Mr. Feldman responded:

“I think in theory, they may well come within the definition but we did not have coins in mind when we addressed the issue. I think as a practical matter, it would not be a serious problem. In most cases, it is impossible to establish the provenance of a particular coin or hoard of coins. Therefore, there would be no reason for the United States, in most cases, to list coins as one of the categories of objects of archaeological or ethnological interest that would be included in the agreement.”

“Cultural Property Treaty Legislation,” Hearing before the House Subcommittee on Trade of the Committee on Ways and Means, 96th Cong., 1st session on HR 3403. p. 8. (September 27, 1979).

As then-ACCG Executive Director Wayne G. Sayles wrote the CPAC on September 20, 2010, ancient coins are rarely significant cultural objects, that the effective preservation of cultural resources requires a cooperative approach, that the private ownership of ancient coins is not only consistent with the interests of society, and that import restrictions would have no effect on the world market except to exclude our citizens from it.

Moreover, coins are the first truly “massed-produced” objects in the ancient world, created by striking engraved obverse and reverse dies onto blank metal disks. And the individual ancient coin is essentially a duplicate minted from coin dies, which are produced in the thousands, and do not meet the “cultural significance” requirement. There is “a lot of debate as to whether or not nations and scholars should consider coins as culturally significant.... Coinage, in a general sense, provides evidence to historians about the monetary systems of ancient civilizations, various historical events, information about the art styles of ancient civilizations, and more. Individual coins, however, are ‘by their very nature duplicates.’ Nothing new about a culture can be learned from a duplicate coin if a single, viable copy of that coin has been studied.” Cody Wisniewski, *The Currency of History: The Possible, and Improper, Restriction on Ancient Egyptian Coinage*, 17 San Diego Int’l L.J. 329, 346 (2016)(footnotes omitted).

C. It cannot be assumed that particular “Uzbek ancient coinage” was “first discovered within” and “subject to the export control” of Uzbekistan, which is required by CPIA’s 19 U.S.C. § 2601(2)(C).

Given the failure to provide adequate notice to the public as to what “Uzbek ancient coinage” is being considered, we did not have sufficient time for comprehensive research. But from our



initial research, it appears that the largest collection of gold, silver and bronze coins in Uzbekistan is at the Termez Archaeological Museum. Isarovich Umidullo Isarov's "The Role of Numismatic Sources in Teaching History," Vol. 1, No. 1 Science and History Scientific Journal (2020), available at <https://openscience.uz/index.php/sciedu/article/view/626> (visited December 23, 2022). The collection includes coins of the Emirate of Bukhara, Karakhanids, Kushan, Greek-Bactrian, Iranian, Afghan, Chinese, Russian and European countries.

And from our initial research, it appears that most of this coinage were minted and circulated outside modern-day Uzbekistan. These coins included Bactrian, Kushan, Sassanian, Hephthalite and Chinese issues. Bactrian and Kushan coins were minted in modern-day Afghanistan and Pakistan, and were circulated in Afghanistan, Pakistan, Uzbekistan and elsewhere. Sassanian coins were minted in modern-day Iran, Iraq, and other countries and circulated throughout Central Asia and the Middle East. Hephthalite coins circulated throughout Central Asia, Afghanistan and Northern India. Ancient coins minted in China circulated along the Silk Road to Uzbekistan and beyond.

We understand that the earliest coins known to have been minted in present day Uzbekistan were issued by the pre-Islamic Silk Road States of Chach and Khwarezm. Chach was located near present-day Tashkent. Khwarezm was located on what was the Oxus River Delta just south of the Aral Sea. The Kingdoms of Chach and Khwarezm struck coins from the 2nd-8th centuries AD. The designs of the silver coins of Khwarezm derive from those on Indo-Greek tetradrachms of Bactrian and Kushan rulers. The coinage of Chach was only struck in bronze. Early issues feature portraits with elongated skulls like on Hephthalite issues, while later issues depict animals. Both the coins of Chach and Khwarezm display symbols known as Tamgha.

We also understand that later local Islamic rulers minted coins<sup>2</sup> in what is modern-day Uzbekistan. While struck in bronze, silver and gold, one can only safely assume that the bronze coins circulated locally. Silver and gold issues travelled along the Silk Road through present-day Uzbekistan and into Europe.<sup>3</sup> When Uzbekistan was incorporated into the Russian Empire,

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<sup>2</sup> "After the conquest of Central Asia by the Arabs, the local mints started issuing gold, silver and bronze coins inscribed in Arabic on both sides. These coins came to be known technically as 'Kufic', from the type of Arabic script used for their legends. Kufic gold coins (dinars) were not minted regularly or on a large scale in Transoxania (The Latin name for the "Land beyond the Oxus," is the region located in lower Central Asia, that roughly corresponds to modern-day eastern Uzbekistan, western Tajikistan, parts of southern Kazakhstan, parts of Turkmenistan and southern Kyrgyzstan). Under the Tahirids (821-73), dinars were minted periodically in Samarkand and Chach (Tashkent). Even under the Samanids (tenth century), whose capital was Bukhara, the issue of dinars in Bukhara, Samarkand and Chach remained only occasional. Samanid dinars were minted on a markedly larger scale beyond the borders of Transoxania, particularly in Nishapur and Muhammadiyya (Rayy). Hoards of gold coins found in Transoxania consist mainly of externally minted Samanid dinars (mostly from Nishapur)." E. A. Davidovich and A. H. Dani, "Coinage and Monetary System," History of Civilizations of Central Asia: Age of Achievement: AD 750 to the End of the 15th Century (UNESCO Publishing 1998) p. 396 (second parenthetical added).

<sup>3</sup> "The hoards of Kufic dirhams found in Transoxania do not just consist of local coins, however; and similarly, the hoards found beyond its borders in other regions of the Muslim East contain a fair number of dirhams from Samarkand and Chach. The most important feature of the period, however, was the fact that the bulk of Kufic dirhams (including Samanid coins) circulated well beyond the limits of the Muslim



Russian Imperial coins circulated but not minted there. Indeed, modern Uzbekistan and its borders are based on a Russian construct drawn up by early Soviet era commissars who had little real understanding about the diverse peoples that lived there. Formed as the Uzbek Soviet Socialist Republic in 1924, and under the complete control of the Communist Party of the Soviet Union centered in Moscow, the modern nation state of the Republic of Uzbekistan was proclaimed in 1990 and only issued its first coinage in 1994.

This brief historical outline of coinage reveals not only that very little “Uzbek ancient coinage” was minted in what is now modern-day Uzbekistan but that its coinage circulated widely elsewhere. This is an important point, since CPIA's 19 U.S.C. § 2601(2)(C) only deals with cultural property objects that are “first discovered within” and that is “subject to the export control by, the State Party.” “Congress only authorized the imposition of import restrictions on objects that were ‘first discovered within, and [are] subject to the export control by the State Party.’” *Ancient Coin Collectors Guild v. U.S. Customs and Border Protection*, 801 F. Supp. 2d 383, 407 n. 25 (D. Md. 2011). These statutory terms of “first discovered within” and “subject to the export control” is critical. And these statutory terms may not be expanded by a Federal agency by including coin types that “circulated primarily” within a given modern nation state since it is contrary to the CPIA’s plain meaning. Only archeological material “specifically found” in a particular State Party can be “subject to export control by” that same State Party. Accord Scalia and Garner, Reading Law: The Interpretation of Legal Texts § 26 at 174 (Thompson/West 2012) (“[E]very word and every provision is to be given effect (verba cum effectu sunt accipienda). None should be ignored.”).

This limitation is consistent with Article 4 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which provides since “The States Parties to this Convention recognize that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State: (a) Cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory; [or] (b) cultural property found within the national territory....” (emphasis added). The International Observatory on Illicit Traffic in Cultural Goods’ glossary for the term “origin,” at obs-traffic.museum/glossary, is the “[s]ource place where a cultural object has been extracted, excavated or discovered for the first time” (emphasis added).

D. Import restriction of such ancient coins should not occur because there is one available “remedies less drastic than the application of the restrictions” under CPIA’s 19 U.S.C. § 2602(a)(1)(C)(ii).

First, there is no evidence that Uzbekistan has adopted the “less drastic” system that exists such as with the United Kingdom’s Treasure Act and Portable Antiquities Scheme (PAS). Fully

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East, so that hundreds of hoards of Kufic coins have been discovered in Europe.” E. A. Davidovich and A. H. Dani, “Coinage and Monetary System,” History of Civilizations of Central Asia: Age of Achievement: AD 750 to the End of the 15th Century (UNESCO Publishing 1998) p. 400 (emphasis added).



detailed at [www.finds.org.uk](http://www.finds.org.uk), the United Kingdom's system is well regarded, effective, and is clearly "less drastic" than import restrictions of "Uzbek ancient coinage." The United Kingdom's system promotes the maximum public interest and benefit from the recovery, recording and research of portable antiquities; promotes best practice by finders/landowners and archaeologists/museums in the discovery, recording and conservation of finds made by the public; in partnership with museums and others, raises awareness among the public; creates partnerships between finders and museums/archaeologists to increase participation in archaeology and advance our understanding of the past; and increase opportunities for museums to acquire archaeological finds for public benefit.

It should be noted that the UK Portable Antiquities Scheme also respects the rights of landowners, who are entitled under the law to share in the fair market value of antiquities found on their property. As a result, many farmers in the UK cooperate with metal detector hobbyists in providing permission for orderly access to their fields. Because of this, we know more about the circulation of ancient and medieval coinage in Britain than in any other part of the world.<sup>4</sup>

E. There is no indication that Uzbekistan has submitted a statement of facts that addresses the two matters upon which the Department makes the determinations under CIA's 19 U.S.C. § 2602(a)(1).

According to the Bureau of Educational and Cultural Affairs, found at <https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/foreign-government-requests>, a Foreign Government's request for cultural property protection must "include a statement of facts that addresses the matters on which the Department makes the determinations specified in the CIA, 19 U.S.C. § 2602(a)(1)." These determinations must include... "4. *Credible enforcement efforts*, including monitoring for compliance and appropriate sanctions, documentary evidence of which should include data of sufficient duration and scope to provide the information necessary for a reliable determination."

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<sup>4</sup> "Over the last two decades the Portable Antiquities Scheme has achieved extraordinary success in raising the level of reporting and the quality of the records of casual finds of archaeological material, most of it from metal detecting. Hoards form an important component of the PAS work. [And] the rate of discovery and recording of new hoards is significantly higher in Britain than elsewhere in the Roman Empire." R.Bland, A.Chadwick, E.Ghey, C.Haselgrove, D.Mattingly, A.Rogers, & J.Taylor, Iron Age & Roman Coin Hoards in Britain (Oxbow Books, 2020) pp. 326-327 (emphasis added).

The British Museum's 8-page Portable Antiquities & Treasure Strategy: 2020, at <https://finds.org.uk/documents/file/PAS-strategy-2019.pdf> (visited June 27, 2020), lists many of the key accomplishments of the United Kingdom's Portable Antiquities Scheme. This includes that it "has recorded over 1 million archaeological finds discovered by the public on its online database, helping to identify new archaeological sites and help rewrite our understanding of the past; that over 10,530 Treasure finds have been reported via the PAS, of which 37% have been acquired by 215 museums across England and Wales for public benefit; that PAS data is important to archaeological research, and has been used in at least 455 research projects; and that the PAS provides a model for other finds recording systems, such as those being established in Flanders, Denmark, the Netherlands and Finland."



First, neither the 2022 public notice nor the agency's 2023 updated website states – much less even allege -- that Uzbekistan has engaged in “credible enforcement efforts.” Until such documentation has been presented to the CPAC, and made available to the public, the CPAC cannot confirm that Uzbekistan has engaged in the necessary “credible enforcement efforts.”

Second, neither the 2022 public notice nor the agency's 2023 updated website states – much less even allege -- that Uzbekistan has provided to the CPAC the required “data of sufficient duration and scope to provide the information necessary for a reliable determination.” Until such documentation has been presented to the CPAC, and made available to the public, the CPAC cannot confirm that Uzbekistan has submitted the required “data of sufficient duration and scope to provide the information necessary for a reliable determination.”

F. The agency's updated website as of January 2, 2023, that it is considering import restrictions on “coins” “from the 7th century CE to 1917 CE,” violates CPIA's 19 U.S.C. § 2601(2)(C)(i)(II) -- at least as to coins minted after 1773 -- since “no object may be considered to be an object of archaeological interest unless such object ... is at least two hundred and fifty years old.”

CPIA's 19 U.S.C. § 2601(2)(C)(i)(II) states that “no object may be considered to be an object of archaeological interest unless such object ... is at least two hundred and fifty years old.” Given that there is a 250 year age restriction on archaeological objects subject to CPIA's 19 U.S.C. § 2601(2)(C)(i)(II), coins minted after 1773 cannot be considered.

#### IV. Conclusion

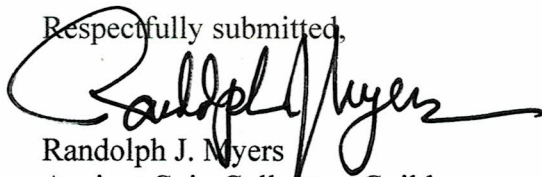
The Ancient Coin Collectors Guild and the American Numismatic Association urges the U.S. Cultural Property Advisory Committee to rescind and reissue its public notice of December 21, 2022, due to serious legal procedural deficiencies. Due to the six substantive objections that we have detailed, if the MOU is enacted, we ask the CPAC to advise the decision maker to not include ancient coinage on any import restriction.

The issues regarding ancient coins are very important to the large numbers of collectors like our members of the Ancient Coin Collectors Guild, who collect coins out of love of history and as an expression of our own cultural identity. And while the American Numismatic Association at [www.money.org/consumer-awareness/ancient-coin-import-restrictions](http://www.money.org/consumer-awareness/ancient-coin-import-restrictions), “fully supports the idea of protecting cultural property,” it has “consistently argued that ancient coins should not be included in MOUs for a number of reasons. First, coins are among the most common and durable of artifacts (with a few notable exceptions), and therefore the information they contain is in no danger of being lost to historians or archaeologists in the way unique or rare objects would be if not preserved in cultural institutions. Additionally, there is no shortage of coins in museums in nations that have ancient specimens as part of their history, particularly Europe, the Middle East and China. Finally, coins are excellent teaching tools. Their durability – and the large number of specimens available – make them ideal collectors' items. They encourage



interest in the past, which in turn promotes educational programs in museums and universities, many of whose collections were formed or financed by hobbyists.”

Respectfully submitted,



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Attachments: (1) Printed webpage of <http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-February-02-2023> (visited December 22, 2022). Note that it contains NO information on the “categories of material that may be included in import restrictions.”

(2) Printed webpage of <http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-February-02-2023> (visited January 3, 2023). Note that while the website, updated as of January 2, 2023, states that Uzbekistan seeks import restrictions of “ethnological material [that] date from the 7th century CE to 1916 CE” and that it includes “coins.” We assert that the late notice is legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.





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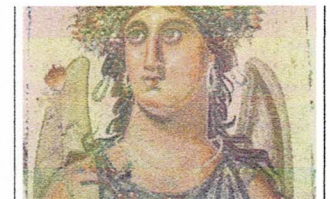
# Cultural Property Advisory Committee Meeting January 30 – February 2, 2023

November 23, 2022



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**Cultural Property Advisory Committee Meeting May 2-4** ([highlight/cultural-property-advisory-committee-meeting-may-2-4](#))

The Cultural Property Advisory Committee intends to meet January 30 to February 2, 2023 (pending Federal Register announcement confirmation) to review: (1) extending and amending the cultural property agreement with the **Government of Cambodia**, (2) a new request from the **Government of North Macedonia**, and (3) a new request from the **Government of Uzbekistan** for cultural property import restrictions. The Committee invites public comment on these proposals.

**Please save this link for updates, details, and confirmation of the meeting agenda closer to the meeting date.**

The State Department follows the [Convention on Cultural Property Implementation Act](#) (<https://eca.state.gov/files/bureau/97-446.pdf>) (CPIA) when considering cultural property agreements and import restrictions. Requested categories of material will be considered if they meet the criteria for archaeological and ethnological materials in the CPIA.

### Public Comments

The public may provide written comment in advance of the meeting and/or register to speak in the virtual open session scheduled for January 30, 2023, at 4:00 p.m. EST.



Public comments on the cultural property agreements should focus on the [four determinations](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf) ([https://eca.state.gov/files/bureau/cpia\\_uscode1988-007019014.pdf](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf)) in the CPIA.

**How to submit written comments:** Use [regulations.gov](https://www.regulations.gov/) (<https://www.regulations.gov/>), and follow the prompts to submit written comments. Written comments must be submitted no later than January 23, 2023, at 11:59 p.m. EST.

**How to make oral comments:** Make oral comments during the virtual open session on January 30, 2023 (instructions below). Requests to speak must be submitted no later than January 23, 2023.

#### Join the Virtual Open Session

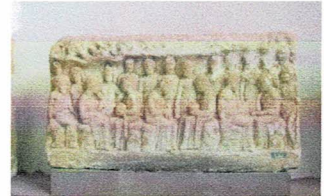
The virtual open session of the Committee meeting will be held on **January 30, 2023, at 4:00 p.m. (EST)** by videoconference.

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# Cultural Property Advisory Committee Meeting January 30 – February 2, 2023

November 23, 2022



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The Cultural Property Advisory Committee intends to meet January 30 - February 2, 2023 to review (1) extending and amending the cultural property agreement with the **Government of Cambodia**, (2) to review a new request from the **Government of North Macedonia**, and (3) to review a new request from the **Government of Uzbekistan** for cultural property import restrictions. The Committee invites public comment on these proposals.

Please save this link for updates and videoconference details, which will be provided closer to the meeting dates.

The State Department follows the [Convention on Cultural Property Implementation Act](https://eca.state.gov/files/bureau/97-446.pdf) (CPIA) when considering cultural property agreements and import restrictions. Requested categories of material will be considered if they meet the criteria for archaeological and ethnological materials in the CPIA.

### North Macedonia's Request

The Government of North Macedonia seeks import restrictions on archaeological and ethnological materials ranging from 300,000 BC to the 20th century AD, including from the prehistoric periods (Paleolithic, Neolithic, Chalcolithic, Bronze Age, Iron Age), classical antiquity (Classical, Hellenistic, Roman, and Late Roman periods), Medieval (Byzantine and Post-Byzantine periods), the Ottoman Period including the 19th century



North Macedonian Revival, and the Modern Era. Requested archaeological material includes ceramics; stone; metal objects including coins; bone and ivory; and glass and faience; dating from the Paleolithic to the Ottoman Period.

Requested ethnological material includes three overarching categories: (1) Ethnological religious objects (Christian and Islamic) in stone, metal, ceramic, bone, ivory, wood, glass, textile, parchment, paper, and paintings from the 2nd century to the 20th century AD; (2) Artistic objects including vessels, monuments, and sculpture in ceramic, stone, metal, and wood; paintings; and mosaics from the 3rd century to the 20th century AD; and (3) ethnographic objects such as vessels, sculpture, monuments, tools, ornaments, musical instruments, clothing and other textiles, bags, and pipes from the 18th century to the 1950s AD.

#### Cambodia's Request

The Government of Cambodia seeks an extension of current import restrictions on archaeological material and an amendment of the cultural property agreement to include new categories of archaeological and ethnological materials. Newly requested archaeological material includes stone (e.g., sculpture, architectural materials, stelae, brick sculpture, jewelry, and stone tools); metal (e.g., statues, ritual and domestic objects, architectural materials, musical instruments, weapons and tools, and coins); ceramics (e.g., sculptures and vessels); glass beads; bone objects; and wood (e.g., architectural materials and sculpture) dating from the Pre-historical periods (circa 2500 BC) through AD 1750 from the entirety of Cambodia. This amendment also includes the archaeological objects of ethnic and religious minority cultures found throughout Cambodia.

Ethnological material requested dates from AD 1400 through 1891, and includes architectural elements from religious buildings (e.g., wooden doors and carved panels); sculpture (e.g., wooden figures and often decorated with lacquer, gold leaf, paint, and/or incrustations of glass); manuscripts (e.g., handwritten works on paper and/or palm leaf); funerary objects (e.g., ceramic or stone urns or wooden urns); and religious objects (e.g., bells, chariot fixtures, *popil*, musical instruments, and betel containers often made from bronze).

#### Uzbekistan's Request

The Government of Uzbekistan seeks import restrictions on archaeological material dating from the Paleolithic period (50,000 BCE) to the 18th century CE and including the following periods, styles, and cultures: Paleolithic, Mesolithic, Neolithic, Ancient Bactrian, Korezm/Khorezm, Seleucid, Kangjiuy, Kushan, Greco-Bactrian, Ephthalite/Hephthalite, Turkic, Somanite/Samanid, Karakhanid, Korezmsakh/Khorezmsakh, Mongol, Timurid, Bukhara, Kiva/Khiva, and Uzbek periods. This material includes stone; ceramics, faience, and fired clay; metal; plaster, stucco, and unfired clay; painting; ivory and bone; glass; leather, birch bark, vellum, parchment, and paper; textiles; wood, shell, and other organic material; and human remains.

Requested ethnological material date from the 7th century CE to 1917 CE and come from the Early Islamic, Middle Islamic, and Uzbek periods. This material includes weapons of historical, artistic, scientific and other cultural value; artworks containing precious metals and precious stones; objects and their fragments; completely handmade paintings and drawings on any basis and from any materials; sculptural works made of any materials, including relief paintings; original artistic compositions and montages made of any materials; artistically decorated objects for the purpose of worship; engravings, prints, lithographs, xylographs, other types of graphics and their original printed forms; practical and decorative works of art (art objects made of glass, clay, wood, metal, bone, fabric and other materials); traditional folk arts and crafts; components and fragments of architecture, history, artistic monuments and monumental art monuments; books, as well as printed works of historical, scientific, artistic, and literary significance; unique manuscripts and documentary monuments, archival documents; musical instruments; coins, bonistics, orders, medals, seals, postcards (envelopes), postage stamps, numismatics, phaleristics, and other collectibles; objects important for branches of science such as mineralogy, paleontology, anatomy; household and scientific equipment and tools; and other movable objects, including copies of historical, scientific-artistic or other cultural significance, as well as copies protected by the state as historical and cultural monuments.

#### Public Comments

The public may provide written comment in advance of the meeting and/or register to speak in the virtual open session scheduled for January 30, 2023, at 4:00 p.m. EST.

Public comments on the cultural property agreements should focus on the [four determinations](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf) ([https://eca.state.gov/files/bureau/cpia\\_uscode1988-007019014.pdf](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf)) in the CPIA.

How to submit written comments: Use [regulations.gov](https://www.regulations.gov) (<https://www.regulations.gov/>), and follow the



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prompts to submit written comments. Written comments must be submitted no later than January 23, 2023, at 11:59 p.m. EST.

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