

Committee for Cultural Policy Inc.
Commentary on the Request for a Memorandum of Understanding
Under the Convention on Cultural Property Implementation Act
Between the Government of the United States of America and the Government of Romania

Federal Register Docket No. DOS-2026-0628

July 3, 2026

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

Dear Dr. Jones and Members of the Cultural Property Advisory Committee to the President:

The Committee for Cultural Policy¹ and Global Heritage Alliance² jointly submit this testimony on the Government of Romania's request for a Memorandum of Understanding (MOU) under the Convention on Cultural Property Implementation Act, 19 U.S.C. §§ 2601–2613, between the United States and Romania. We have addressed below whether the request meets the legal criteria set by Congress for and MOU and import restrictions under the Cultural Property Implementation Act (CPIA).

The undersigned organizations submit this comment opposing the request by the Government of Romania for a bilateral agreement imposing U.S. import restrictions on archaeological and ethnological materials.

Romania submitted its request on October 3, 2024 and a subsequent Federal Register notice stated that public comments should address the CPIA determinations.³ Such determinations are not meant

¹ The Committee for Cultural Policy (CCP) is an educational and policy research organization that supports the preservation and public appreciation of the art of ancient and indigenous cultures. CCP supports policies that enable the lawful collection, exhibition, and global circulation of artworks and preserve artifacts and archaeological sites through funding for site protection. CCP deplores the destruction of archaeological sites and monuments and encourage policies enabling safe harbor in international museums for at-risk objects from countries in crisis. CCP defends uncensored academic research and urges funding for museum development around the world. CCP believes that communication through artistic exchange is beneficial for international understanding and that the protection and preservation of art is the responsibility and duty of all humankind. The Committee for Cultural Policy, POB 4881, Santa Fe, NM 87502. www.culturalpropertynews.org, info@culturalpropertynews.org.

² Global Heritage Alliance (GHA) advocates for policies that will restore balance in U.S. government policy in order to foster appreciation of ancient and indigenous cultures and the preservation of their artifacts for the education and enjoyment of the American public. GHA supports policies that facilitate lawful trade in cultural artifacts and promotes responsible collecting and stewardship of archaeological and ethnological objects. The Global Heritage Alliance. 1015 18th Street, N.W. Suite 204, Washington, D.C. 20036. <http://global-heritage.org/>

³ Notice of Meeting of the Cultural Property Advisory Committee; Proposals To Extend Bilateral Cultural Property Agreements With Albania and Nigeria; and Notice of Receipt of a Request From Romania Under the Convention on Cultural Property Implementation Act of 1983, 91 Fed. Reg. 33852, Docket No. DOS-2026-0628, published June 4,

to be general policy preferences. Under U.S. law, they are statutory preconditions, all four of which must be met in order for the committee to make a recommendation for a cultural property agreement. The President may enter a bilateral agreement if the cultural patrimony is in jeopardy from pillage; the requesting state has taken Convention-consistent protective measures; U.S. import restrictions would substantially deter a serious situation of pillage and less drastic remedies are unavailable; and the restrictions are consistent with international interchange for scientific, cultural, and educational purposes. The statute also requires that the request be accompanied by “a written statement of the facts” relating to those determinations, and that the United States seek commitments permitting exchange where it does not jeopardize patrimony.⁴ In the first decades of the CPAC committee’s existence,⁵ this written statement of the facts by the requesting country was shared with the public – presumably so the public comments could better address the country’s needs and claims. After the administration of the CPAC committee was moved to the Department of State, the practice changed, with the State Department itself editing the requests down to a few uninformative sentences.

It happens that Romania is an EU member state with an exceptionally diverse heritage.⁶ Romania also has a dense heritage bureaucracy and a restrictive legal regime, but both Romanian and EU analyses show chronic underfunding, weak implementation, inadequate attention to archaeology, a lack of museum support, and U.S. import records show a very small U.S. market for Romanian ancient art and artifacts. The data also raises serious concerns that a broad “Romanian” designated list would sweep in the cultural materials of minority communities whose history is not in parallel with the leaders of the modern Romanian state.⁷

I. Determination 1: The Public Record Does Not Establish a Current Serious Situation of Pillage Requiring U.S. Import Restrictions

Romania has experienced looting, especially in the post-communist period, and metal-detecting has been a serious problem at Dacian, Roman, and medieval sites.⁸ We do not question that

2026. URL: <https://www.federalregister.gov/documents/2026/06/04/2026-11197/notice-of-meeting-of-the-cultural-property-advisory-committee-proposals-to-extend-bilateral-cultural>

⁴ 19 U.S.C. § 2602(a)(1), (a)(3), (c), (d), and (f).

⁵ When established by the Convention on Cultural Property Implementation Act of 1983, CPAC was administratively housed within the USIA. In 1999, the USIA was abolished and its functions were integrated into the Department of State. https://en.wikipedia.org/wiki/United_States_Information_Agency

⁶ “Romania: An Overview,” CRS Report R48440. https://european-union.europa.eu/principles-countries-history/eu-countries/romania_en; <https://www.everycrsreport.com/reports/R48440.html>

⁷ Minority Rights Group International, “Romania”; Jewish Heritage Europe, “Fabric Synagogue and Jewish Heritage of Timisoara in Romania is on the 2022 World Monuments Watch”; Delia Grigore, “Transitional Justice and Spaces of Memory. Case Study: The Virtual Museum of Romani Culture,” *The Attic Magazine*. <https://minorityrights.org/country/romania/>; <https://jewishheritage.org/fabric-synagogue-and-jewish-heritage-of-timisoara-in-romania-is-on-the-2022-world-monuments-watch>; <https://theatticmag.com/features/2494/transitional-justice-and-spaces-of-memory.-case-study%3A-the-virtual-museum-of-romani-culture.html>

⁸ Cristian Ciută, “The Illegal Trafficking of Cultural Goods in Romania: Investigation, Recovery and Repatriation.” <https://www.chnt.at/wp-content/uploads/Ciuta.pdf>. Between 2001 and 2005 approximately 1500 cultural heritage crimes were reported. During the same period, 3,016 movable cultural goods were placed under a general

Romania has suffered pillage. The question raised by the CPIA is whether there is a present, serious situation of pillage for a U.S. market that would be ameliorated by U.S. import restrictions.

That showing has not been made on the public record. Romania has not publicly established the current frequency, geography, object categories, or market destinations of looting. Nor has it shown that pillaged Romanian archaeological or ethnological material is entering the United States in quantities sufficient to support a finding that U.S. restrictions would address the problem.⁹

Romania has formal tools directed at the very risks asserted here. Romanian law requires archaeological authorization, approved research projects, reporting of discoveries within 72 hours, delivery of chance finds to public authorities, and controls over archaeological work and metal-detector use.¹⁰ These rules are not trivial. They undercut any argument that Romania lacks legal authority. The issue is whether the Romanian state has funded, staffed, enforced, and administered those authorities sufficiently. The available record shows the opposite.

The Council of Europe's HEREIN profile states that Romania has approximately 29,500 listed historical monuments, including about 6,800 buildings, archaeological and historical sites of national and universal value, but estimates that "maybe 60% are in bad condition." It further states that Romania's heritage has been damaged not only by wars and earthquakes, but also by "political decisions and neglect."¹¹ A heritage system in which a majority of listed monuments may be in bad condition is not a record of effective attention to the resource. It is evidence of systemic neglect.

"Existing heritage legislation is not entirely applied in real life in the absence of proper financial support and human resources. The purpose of updating of heritage legislation in a unitary Cultural Heritage Code was not yet fulfilled. There are huge delays in heritage inventory, monitoring, restoration and preventive conservation. The number and quality of personnel working in heritage field decreased significantly in recent years (by one third to half in some organizations), after a whole generation of experienced specialists either retired or left the country not to be replaced. Young graduates cannot find jobs in cultural heritage field since 6 years and training opportunities are poor. There is stagnation if not regress in digitization, computerization, heritage websites administration and public communication."

Council of Europe, HEREIN System, "Romania." ¹²

This analysis does not show a heritage system that would be improved by U.S. import restrictions. It is evidence of deliberate neglect by Romania's government of the protection, inventorying,

prosecution; 2,436 goods were recovered. Most cultural goods were taken from private residences (private collections) – 917 (paintings, icons, statues, etc.); religious houses – 618; museums – 248; archaeological sites – 15.

⁹ Council of Europe, HEREIN System, "Romania." <https://www.coe.int/en/web/herein-system/romania>

¹⁰ Government Ordinance No. 43/2000 on the Protection of the Archaeological Heritage and the Declaration of Some Archaeological Sites as Areas of National Interest, Arts. 4–5, 10, 12–14, 19–21, and 26.

<https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Romania/ordinance-43-2000eng.pdf>

¹¹ Council of Europe, HEREIN System, "Romania." <https://www.coe.int/en/web/herein-system/romania>

¹² Ibid.

monitoring, and conservation of its own heritage. Romania fails to meet the requirements of Determination 1.

II. Determination 2: Romania Has Laws, But the Public Record Shows Non-Implementation, Underfunding, and Misallocation

Romania can point to a substantial legal framework covering cultural heritage. The main laws cover archaeology, movable cultural property, historical monuments, museums, inventories, export licensing, dealer controls, and classified cultural objects.¹³ Law No. 182/2000 requires export certificates for permanent or temporary export of classified or unclassified movable cultural objects and treats transfer abroad without the required certificate as illegal export. The law also gives the state a pre-emption right over private objects offered for public sale.¹⁴

Those laws do not satisfy Determination 2 if they are not implemented in practice. The public evidence points to weak implementation and insufficient funding. Romania's total public cultural expenditure was 886,389,000 lei (179 million Euros) in 2021¹⁵ Table 3 in Romania's Compendium of Cultural Policies & Trends profile shows "heritage" expenditure was 31.176 million lei (approximately \$7.5 million USD), only 3.51% of the total, while museums received 166.019 million lei (approximately \$40 million USD), 18.73%, and performing arts received 562.675 million lei (approximately 135 million USD) or 63.48%. The heritage funding line runs through the National Heritage Institute and county directorates.¹⁶ Archaeology, anthropology, and ethnography are not broken out as protected priorities in the data. The absence of discrete archaeological, ethnographic, or anthropological funding lines is telling.

The specific 2026 national program for systematic archaeological research confirms the problem. The entire allocation for systematic archaeological research was 1.6 million lei (approximately \$350,000 USD in 2026) divided between Ministry-subordinated institutions and other institutions. Individual grants are capped at modest levels, generally 20,000 to 50,000 lei (about \$4,000-\$10,000 USD).¹⁷ A national archaeological protection program at that level is not a serious answer to the preservation needs of a country with Romania's archaeological density, site vulnerability, and enforcement challenges.

¹³ Ibid., and Compendium of Cultural Policies & Trends, "Romania: Short Cultural Policy Profile," January 2025. <https://www.coe.int/en/web/herein-system/romania>; https://www.culturalpolicies.net/wp-content/uploads/2025/01/Romania_short-cultural-policy-profile.pdf

¹⁴ Law No. 182/2000 on the Protection of Movable National Cultural Heritage, provisions concerning sale and state pre-emption over classified movable cultural goods. <https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Romania/law-182-2000.pdf>

¹⁵ Compendium of Cultural Policies & Trends, "Romania: Short Cultural Policy Profile," Table 3, p 12, public cultural expenditure by sector, 2021. https://www.culturalpolicies.net/wp-content/uploads/2025/01/Romania_short-cultural-policy-profile.pdf

¹⁶ Ibid. p 12.

¹⁷ Ibid., p 10-12.

The museum picture is also mixed and does not support a finding of adequate protective measures. Romania's public cultural system is heavily state dominated. The Compendium reports 660 public museum institutions and museographic collections in 2020, compared with 103 in the private sector.¹⁸ Public funding is the backbone of the system, yet the same profile states that Romania's public cultural sector has been overregulated while the private cultural sector has not benefited from state regulation, and that the cultural sector overall remains underfinanced.¹⁹

The European Museum Academy's 2024 Romania report is more direct. It states that human resources in Romanian museums are in one of the most delicate periods in recent decades; public-sector salary policy has left museum employees among the lowest paid in Romania; and this causes "personnel haemorrhage" and affects the quality of professional work.²⁰ A country asking for U.S. import restrictions should be able to show that the museums charged with stewardship, storage, documentation, conservation, and public access are adequately staffed and supported. Romania's own museum-sector evidence shows otherwise.

Nor is this simply a question of overall poverty. Romania can mobilize significant cultural funds when it chooses. In 2024, the culture minister announced more than 400 million lei for restoration and preservation of cultural heritage through programs such as memorial houses, religious buildings, open-air museums, restoration, and railway stations.²¹ That may be laudable for built heritage, but it highlights the imbalance: archaeology, museum storage, inventories, conservation, local monitoring, and enforcement capacity receive comparatively little visible support.

There is also a serious problem in Romania's current reliance on metal-detector finds to enrich museum collections. Scholarship on Romania's metal-detecting problem reports that the phenomenon has been growing, and that in a context of reduced archaeological research funding, museums rely increasingly on discoveries by detectorists to enrich collections, a dynamic that can encourage the practice and damage archaeological heritage.²² If museums become consumers of context-destroying finds, then the state's formal legal structure is not consistent with the UNESCO Convention's protective regime.

Determination 2 is therefore not met. Romania has laws, but the record shows chronic underfunding, weak implementation, low heritage allocations, inadequate archaeological funding, personnel loss, poor condition of monuments, and institutional practices that reinforce rather than prevent the destruction of archaeological context.

¹⁸ Ibid., p 9.

¹⁹ Ibid., p 8.

²⁰ European Museum Academy, "Situation for Museums in Europe Report 2024," Romania section. <https://filedn.eu/llvtKL3OfMN43namnLWLg6Y/NATIONAL%20MUSEUM%20REPORTS/250217%20EMA%20European%20Museum%20Report%202024.pdf>

²¹ Bursa, "Record budget for the restoration and preservation of cultural heritage," May 2024. <https://www.bursa.ro/record-budget-for-the-restoration-and-preservation-of-cultural-heritage-62562353>

²² Corneliu Ioan Bucur and others, "Heritage for Sale! The Role of Museums in Promoting Metal Detecting and Looting in Romania," *Heritage*, 2018. URL: <https://www.mdpi.com/2571-9408/1/2/29>

III. Determination 3: U.S. Import Restrictions Would Not Substantially Deter Pillage; the U.S. Market Showing Is Minimal

Determination 3 requires more than speculation about a theoretical U.S. market. Under the CPIA, U.S. import restrictions must be of substantial benefit in deterring a serious situation of pillage, preferably in concert with other significant market nations, and less drastic remedies must be unavailable.²³ Romania has not made that showing.

The available trade data shows that the direct U.S. market in Romanian art, antiquities, and antiques is very small. U.S. imports from Romania under Chapter 97, “works of art, collectors’ pieces and antiques,” were approximately \$7.95 million in 2025. Of that, paintings, drawings, pastels, and collages accounted for about \$7.12 million, nearly 90% of the category. The closest customs proxy for antiquities, HS 9705 “collections and collectors’ pieces,” was only \$612,860. Declared antiques over 100 years old under HS 9706 were only \$3,680.²⁴ Trading Economics’ UN Comtrade-based page separately confirms that U.S. imports from Romania of “Collections and Collectors’ Pieces” were \$612,860 in 2025.²⁵

Those figures do not prove that no illicit objects exist. They do show that the public record does not support a finding of a substantial U.S. market in Romanian antiquities - licit or illicit. The direct declared market is not merely small; declared antiques are *de minimis*. If the principal problem is looting by metal detectorists inside Romania, and if the direct U.S. market for general cultural property is in the hundreds of thousands of dollars while antiques/antiquities register less than \$4,000, there is no evidentiary basis for concluding that broad U.S. import restrictions would substantially deter Romanian site pillage.

The limited trade in Romanian artifacts is particularly relevant in regard to coinage and the need to limit import restrictions only to materials significant in U.S. trade. We urge CPAC to ensure that any import restrictions on coins are narrowly tailored. The International Association of Professional Numismatists (“IAPN”), which has undertaken significant research into Romanian and Albanian and other regional issues of coins, argues that restrictions should apply only to coins of cultural significance that circulated exclusively in Romania and that were first discovered there and subject to Romanian export control under the CPIA. Those are the only coins that could legally be covered under the Cultural Property Implementation Act.²⁶

In addition, any restrictions should be conditioned on less drastic measures, including excluding Hungarian, Austro-Hungarian, and Transylvanian coins. Further, CPAC should focus on

²³ 19 U.S.C. § 2602(a)(1)(C).

²⁴ Trading Economics, “United States Imports from Romania of Works of Art, Collectors’ Pieces and Antiques.” <https://tradingeconomics.com/united-states/imports/romania/works-art-collectors-pieces-antiques>

²⁵ Trading Economics, “United States Imports from Romania of Collectors’ Items of Botanic, Historical Interest.” <https://tradingeconomics.com/united-states/imports/romania/collectors-items-botanic-historical-interest>

²⁶ Peter K. Tompa, IAPN Submission on Romania MOU, Docket (DOS-2026-0628), <https://www.regulations.gov/docket/DOS-2026-0628-0001>.

improving Romania’s reporting and reward systems for coin finds; facilitating export permits for common coins; recognizing lawful exports from other EU countries

Romania also already operates within a broader European regulatory environment and maintains its own export controls. The Romanian state controls export certificates for movable cultural goods and imposes restrictions on permanent and temporary export.²⁷ It controls public sale of private cultural objects through state pre-emption.²⁸ Its archaeological law requires reporting and delivery of chance finds.²⁹ A U.S. embargo would not balance any of lack of authority under Romanian law.

Less drastic remedies are plainly available. Romania can increase archaeological funding and staff county directorates; complete inventories to repair the “huge delays” in monitoring and preventive conservation identified by the Council of Europe; adequately support museum professionals; stop acquisition practices that incentivize metal detecting; publish whatever export-certificates are issued; and focus enforcement on documented looting and trafficking. These are not speculative alternatives. They are the basic functions of the heritage system Romania already claims to possess.

IV. Determination 4: A Broad MOU Would Not Promote International Interchange and Could Harm Minority Heritage

The CPIA requires that import restrictions be consistent with scientific, cultural, and educational interchange.³⁰ Romania’s record does not support that finding.

Romania does make loans abroad, but those loans are selective, temporary, state-approved, and episodic. “First Kings of Europe” at Chicago’s Field Museum involved 11 countries, including Romania, and 26 museums, with more than 700 cultural items.³¹ The Malibu, California Getty Villa’s 2024–2025 “Ancient Thrace and the Classical World” included loans from the National History Museum of Romania and displayed, among other works, a silver-gilt helmet found at Agighiol, Romania.³² The Drents Museum’s “Dacia – Empire of Gold and Silver” in Assen, the

²⁷ Law No. 182/2000 on the Protection of Movable National Cultural Heritage, Arts. 37–38. URLs: <https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Romania/law-182-2000.pdf>; https://media.unesco.org/sites/default/files/webform/mhm001/rom_law_182_engtof.pdf

²⁸ Law No. 182/2000 on the Protection of Movable National Cultural Heritage, provisions on public sale and state pre-emption. <https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Romania/law-182-2000.pdf>

²⁹ Government Ordinance No. 43/2000, provisions on chance finds and delivery/notification obligations. <https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Romania/ordinance-43-2000eng.pdf>

³⁰ 19 U.S.C. § 2602(a)(1)(D).

³¹ Field Museum, “New Field Museum exhibition explores rise of power in ancient Europe,” March 2023. <https://www.fieldmuseum.org/about/press/new-field-museum-exhibition-explores-rise-of-power-in-ancient-europe>

³² Getty Villa, “Ancient Thrace and the Classical World: Treasures from Bulgaria, Romania, and Greece,” November 4, 2024–March 3, 2025 (curtailed due to Pacific Palisades fire in January 2025).

Netherlands, displayed more than fifty gold and silver treasures from Romania from the 20th century B.C. to the 3rd century A.D.³³

These exhibitions show that Romania can lend when it chooses. They do not show that broad import restrictions are consistent with cultural interchange. Temporary state loans to a handful of major institutions are not a substitute for lawful circulation, private collecting, teaching collections, diaspora access, regional museum partnerships, scholarly study, or the ordinary movement of cultural objects with documented lawful provenance.

The Drents Museum loan also illustrates the fragility of loan-based interchange. In January 2025, thieves used explosives to breach the Drents Museum walls and stole four important Dacian gold artifacts on loan from Romania. The famous Coțofenești helmet and two of three Dacian bracelets stolen from the museum were recovered by Dutch authorities and returned to Romania in 2026, but one bracelet remained missing.³⁴ The fact that the objects were stolen when on loan may make Romania even more cautious in lending. Already, it has made very few loans for museum shows. If in the future, Romania continues to restrict loans while the United States restricts imports, the result is not interchange; it is cultural sequestration.

Foreign archaeological collaboration is similarly centrally controlled. Romania permits foreign collaboration only through formal institutional channels, Ministry authorization, approved projects, and licensed specialists.³⁵ U.S.-accessible field opportunities exist, but they do not replace the broader public interest in access through museums, lawful collecting, teaching, publication, digital access, and loans. The Archaeological Institute of America fieldwork list includes Romania entries and describes field and laboratory education programs in Transylvania in archaeology, anthropology, history, physics, chemistry, and related areas.

The minority-heritage issue is particularly important. Romania is not culturally homogeneous. Minority Rights Group reports that, according to the 2011 census, Romania included approximately 1.23 million Hungarians, 621,573 Roma, 50,920 Ukrainians/Ruthenians, and 36,042 Germans, while noting that other estimates for Roma are significantly higher.³⁶ Romania's heritage also includes Jewish, Saxon, Hungarian, Roma, Ukrainian, Turkish, Lipovan, Greek, Armenian, and other communities, many of which have cross-border, diasporic, religious, or minority institutional ties.

<https://www.getty.edu/exhibitions/ancient-thrace-and-the-classical-world-treasures-from-bulgaria-romania-and-greece/>

³³ Drents Museum, "Dacia – Empire of Gold and Silver." <https://drentsmuseum.nl/en/exhibitions/dacia-empire-of-gold-and-silver>

³⁴ Dutch Public Prosecution Service, "Stolen Romanian art treasures returned to Romania," April 2, 2026. <https://www.prosecutionservice.nl/latest/news/2026/04/02/stolen-romanian-art-treasures-returned-to-romania>

³⁵ Government Ordinance No. 43/2000, provisions concerning authorization of archaeological research and collaboration protocols with foreign partners through the National Archaeology Commission. <https://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Romania/ordinance-43-2000eng.pdf>

³⁶ Minority Rights Group International, "Romania." <https://minorityrights.org/country/romania/>

A broad designated list would risk treating the Romanian state as the controlling claimant over objects and traditions that are not “Romanian national” property in any meaningful cultural sense. Jewish ritual objects, synagogue materials, communal archives, manuscripts, textiles, icons, minority religious objects, Saxon/German material from Transylvania, Hungarian community material, Roma cultural material, and objects from borderland or transnational communities may have histories of displacement, persecution, religious ownership, family ownership, diaspora transfer, and lawful private custody. A U.S. import restriction framed around modern national territorial claims could burden these communities while offering them no reciprocal access.

The risk is not theoretical. Jewish heritage in Romania is underrepresented and vulnerable because the once-large communities were drastically reduced by World War II and mass emigration under communism; the Jewish community in Timișoara, for example, numbers only about 600 today, and observers fear that its legacy is under threat.³⁷

Roma heritage is also institutionally underrecognized. A 2025 discussion of the Virtual Museum of Romani Culture states that despite their significant numbers, Roma people were recognized as a national minority in Romania only 35 years ago, that they still do not fully enjoy associated cultural rights in practice, and that the absence of a physical museum of Roma culture and history is a deprivation of cultural rights.³⁸ (Roma peoples were actually enslaved in Romania for hundreds of years.³⁹) Although Romania adopted Law 238/2023 establishing a National Museum of Roma History and Culture, the museum remains an institution that has not yet come to fruition.⁴⁰

The same concern is reinforced by Romania’s record on religious-property restitution. A broad MOU would assign practical gatekeeping power over minority and religious heritage to a state that has not resolved the ownership and control of major minority religious properties confiscated during the communist era. According to the Hungarian Human Rights Foundation’s 2025 report, Romania has failed since 1989 to restore 16,430 properties confiscated from religious denominations between 1945 and 1989; the affected communities include the four historic Hungarian churches - Roman Catholic, Hungarian Reformed/Protestant, Lutheran, and Unitarian - as well as the Greek Catholic Church, the Jewish community, and the Romanian Orthodox

³⁷ Jewish Heritage Europe, “Fabric Synagogue and Jewish Heritage of Timisoara in Romania is on the 2022 World Monuments Watch.” URL: <https://jewishheritage.org/fabric-synagogue-and-jewish-heritage-of-timisoara-in-romania-is-on-the-2022-world-monuments-watch>

³⁸ The Attic Magazine, “Transitional Justice and Spaces of Memory. Case Study: The Virtual Museum of Romani Culture.” URL: <https://theatticmag.com/features/2494/transitional-justice-and-spaces-of-memory.-case-study%3A-the-virtual-museum-of-romani-culture.html>

³⁹ “Slavery in Romania,” Wikipedia, https://en.wikipedia.org/wiki/Slavery_in_Romania.

⁴⁰ ERIAC, “The Romano Museum: an Immersive Touch from Virtual to Physical,” discussing Law No. 238/2023 establishing the National Museum of Roma History and Culture. URL: <https://eriac.org/the-romano-museum-an-immersive-touch-from-virtual-to-physical/>

Church. Only 17.49 percent of claims by religious denominations have been positively decided by the Special Restitution Committee, the rest rejected.⁴¹

These are not peripheral assets. In the case of the Hungarian minority in Transylvania, many of the confiscated buildings were the civic and charitable infrastructure through which religious denominations operated schools, hospitals, orphanages, and other social institutions for generations. The failure to restore them affects not only religious worship but the transmission of language, education, community memory, and minority identity. The restitution record is therefore directly relevant to CPAC's assessment of whether Romania is an appropriate steward for minority ethnological heritage that may be swept into an import restriction.⁴²

The restitution process described in the 2025 report is marked by structural barriers that fall most heavily on minority communities. Claimants bear the burden of proving claims even though the state holds the confiscation records; no compensation is available for properties previously demolished by the state; the current occupants of restituted buildings may remain for up to ten years; and the Special Restitution Committee has been criticized for delay, insufficient resources, and decisions influenced by local governments and other vested interests. The report further states that certain important properties have been re-nationalized after restitution, and that civil servants and Hungarian church leaders who sought restitution have faced prosecution or official harassment. Such a record is incompatible with confidence that broad U.S. import restrictions would protect minority heritage rather than entrench state control over it.⁴³

The numerical record is stark. Of 2,559 claims submitted by the four historic Hungarian churches, 57.48 percent remain unrestituted; only 755 properties, or 29.5 percent of the claims, have been returned. Between December 15, 2022 and October 13, 2023, only 23 of 135 positive restitution decisions went to Hungarian denominations. The report further states that the National Authority for Property Restitution awarded only half the market value for 26 buildings in Cluj to the Hungarian Reformed Church in 2023, and that since fall 2023 no compensation had been paid to any claimant. This is a clear contemporary record of discrimination, not an old communist-era grievance.⁴⁴

The emblematic cases underscore the point. The Batthyáneum Library and Astronomical Observatory, claimed by the Alba Iulia Roman Catholic Archdiocese after confiscation, remained the subject of litigation after the Romanian Supreme Court rejected the claim in 2021.

The Székely Mikó Protestant High School case involved the re-nationalization of a building returned to the Hungarian Reformed Church and the prosecution of Special Restitution Committee

⁴¹ Hungarian Human Rights Foundation, "The Forgotten Religious Injustice in Romania: 35 Years of Failed Property Restitution," January 2025; see also HHRF, "The Forgotten Religious Injustice in Romania" web page. URLs: <https://hhrf.org/wp-content/uploads/2025/03/January-2025-The-Forgotten-Religious-Injustice-in-Romania-8.5x11.pdf>; <https://hhrf.org/on-our-radar/property-restitution-in-romania/>

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

members, including minority activist Attila Markó, who was ultimately cleared by the Romanian Supreme Court in 2023.

The Wesselényi Reformed High School case has remained in litigation for decades, and church leaders have faced wholly unjustified criminal proceedings in connection with their restitution efforts. The same report identifies Supreme Court Decision 21/2023 as creating further legal uncertainty by requiring religious denominations to produce nineteenth-century documentation to prove ownership of institutions founded centuries ago.

These facts are material to Determination 4 because import restrictions framed around modern territorial sovereignty may operate against communities whose own property and heritage claims remain unresolved or resisted by the Romanian state.⁴⁵

The CPIA should not be used to convert the cultural heritage of minorities, religious communities, displaced populations, and diaspora families into a blanket state-controlled category. Such a result would be especially inappropriate where Romania's own cultural system is centralized, slow to react, underfunded, and hostile to minority claimants.

Conclusion

Romania has not shown that it meets the CPIA's four determinations.

Determination 1 is not met because the public record does not establish a current, serious, U.S.-linked situation of pillage by object or site category.

Determination 2 is not met because Romania's laws are not matched by adequate implementation. Public sources report that perhaps 60% of listed monuments are in bad condition, that heritage laws are sporadically applied, that there are huge delays in inventory, monitoring, restoration, and preventive conservation, that staffing has declined severely, and that heritage policy is centralized, slow, and affected by corruption and poor administrative capacity.⁴⁶ The budget record confirms the same conclusion - only a tiny fraction of its cultural budget for museums and systematic archaeology.⁴⁷

Determination 3 is not met because the direct U.S. market is too small to support a finding of substantial deterrence. The 2025 direct import figures show \$7.95 million in total Chapter 97

⁴⁵ Ibid.

⁴⁶ Council of Europe, HEREIN System, "Romania"; Freedom House, "Romania: Freedom in the World 2026"; Congressional Research Service, "Romania: An Overview." <https://www.coe.int/en/web/herein-system/romania>; <https://freedomhouse.org/country/romania/freedom-world/2026>; <https://www.everycrsreport.com/reports/R48440.html>

⁴⁷ Compendium of Cultural Policies & Trends, "Romania: Short Cultural Policy Profile"; Fonduri Structurale, "Programul național de finanțare a cercetării arheologice sistematice 2026." https://www.culturalpolicies.net/wp-content/uploads/2025/01/Romania_short-cultural-policy-profile.pdf

imports of Romanian origin, overwhelmingly paintings and drawings; \$612,860 in collections and collectors' pieces; and only \$3,680 in antiques over 100 years old.⁴⁸

Determination 4 is not met because episodic state art loans and tightly controlled archaeological collaboration do not establish that broad restrictions would promote interchange. A broad MOU would instead risk suppressing lawful circulation, private stewardship, teaching, collecting, and diaspora access. It would also risk subordinating the heritage of minority and religious communities - Roma, Jewish, Hungarian, Saxon/German, Ukrainian/Ruthenian, Lipovan, Turkish, and other - to an overbroad modern territorial claim.

Based on the facts above, the Cultural Property Advisory Committee should find that Romania does not meet all four of the required determinations under the CPIA and should recommend against the proposed MOU.

If, despite the compelling evidence that the legal criteria are not met, the Cultural Property Advisory Committee recommends that an MOU should be signed with Romania, the committee should apply only limited restrictions to objects proven to have been illicitly removed from Romania after the effective date of the regulations. Designated lists should be based on actually threatened materials, not encyclopedic compilations of everything made by human hands throughout Romania's history. Import restrictions should be subject to Administrative Procedure Act requirements and enforcement actions to standards under the Civil Asset Forfeiture Reform Act, to ensure that the government bears the burden of proving illicit export.

Thank you very much for your attention. I look forward to speaking with you on July 14, 2026.

Kate Fitz Gibbon

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⁴⁸ Trading Economics, "United States Imports from Romania of Works of Art, Collectors' Pieces and Antiques"; Trading Economics, "United States Imports from Romania of Collectors' Items of Botanic, Historical Interest"; Trading Economics, "United States Imports from Romania of Antiques of an Age Exceeding One Hundred Years." URLs: <https://tradingeconomics.com/united-states/imports/romania/works-art-collectors-pieces-antiques>; <https://tradingeconomics.com/united-states/imports/romania/collectors-items-botanic-historical-interest>; <https://tradingeconomics.com/united-states/imports/romania/antiques-an-age-exceeding-one-hundred-years>