

**American Numismatic Association (ANA), Professional Numismatists Guild (PNG)  
and  
International Association of Professional Numismatists (IAPN) Proposed  
Amendment (Modified) to H.R. 2009**

The ANA, PNG and IAPN (collectively the American Numismatic Community) offer the following amendment to the Iraq Cultural Protection Act (H.R. 2009) sponsored by Congressmen Phil English of Pennsylvania and Jim Leach of Iowa:

**NUMISMATICS PRESERVATION AMENDMENT TO H.R. 2009**

**WHEREAS** experts on the President’s Cultural Property Advisory Committee have already determined that coins should be exempt from import restrictions in response to requests from foreign states, but the obligations of the United States under U.N. Security Council Resolution S/2003/556 require prohibition on trade or transfer of items for which there is a reasonable suspicion that they have been illegally removed from the Iraq National Museum, the National Library, and other locations within Iraq since the adoption of U.N. Resolution 661 on August 6, 1990.

**NOW THEREFORE**, the following Amendment is offered to H.R. 2009, the Iraq Cultural Protection Act.

**Sec. 2 Findings**

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(32) Coins are different than other artifacts because historically they have circulated so widely as currency. Identifying where a type of coin was minted or circulated does not also allow us to ascertain where or when an individual coin was found. As a result, merely identifying a coin by type cannot provide reasonable suspicion that any individual coin was illegally removed from the Iraq National Museum, the National Library or other locations in Iraq.

(33) Any looting from Iraqi archaeological sites of coins can and should be largely eliminated by a decree or legislation by U.S. Occupation or future Iraqi governmental authorities that bans the use and importation of unlicensed metal detectors.

**Sec. 3 Definitions**

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(3) The term “Coins or Coin-Like Objects” shall be defined as any piece or pieces of gold, silver, or other metal, or other material, fashioned into a prescribed shape, weight and/or degree of fineness, and stamped or embellished with a device or design,

by the authority of a government, governmental, or quasi-public authority, in order that it might circulate as money. The term “coins or coin-like objects” will also be construed to mean any piece or pieces of metal, or other material, having a stamped design that is issued to commemorate a person or event or awarded for excellence or achievement.

(4) The term “reasonable suspicion” as applied to “coins or coin-like objects” shall mean articulable suspicion beyond identification of a coin or coin-like object as being a type of coin or coin-like object known to have been minted or circulated within Iraq.

#### **Sec. 4            Import Restrictions**

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(d) Procedures Relating to Coins and Coin-Like Objects-- Coins or coin-like objects shall only be detained under this Section based on reasonable suspicion that such coins or coin-like objects were illegally removed from the Iraq National Museum, the National Library, and other locations within Iraq after Executive Order 12722 of August 2, 1990. At all stages of proceedings involving coins or coin-like objects under the Iraq Cultural Protection Act, the burden of proof shall rest on the government and such burden cannot be met solely by reference to the fact that such coins or coin-like objects were of a type that was struck in or circulated within the boundaries of Iraq.

#### **Sec. 7.            Exemption for Coins or Coin-Like Objects from Other Import Restrictions Under the Convention on Cultural Property Implementation Act.**

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(a) Definition of Coins or Coin-Like Objects -- “Coins or coin-like objects” shall be defined as any piece or pieces of gold, silver, or other metal, or other material, fashioned into a prescribed shape, weight and/or degree of fineness, and stamped or embellished with a device or design, by the authority of a government, governmental, or quasi-public authority, in order that it might circulate as money. The term “coins or coin-like objects” will also be construed to mean any piece or pieces of metal, or other material, having a stamped design that is issued to commemorate a person or event or awarded for excellence or achievement.

(b) Exemption for Coins or Coin-Like Objects from Import Restrictions -- Notwithstanding any other provisions of the Convention on Cultural Property Implementation Act, no coins or coin-like objects shall be subject to import restrictions.

(c) Stolen Coins or Coin-Like Objects -- The exemptions in this Section shall not apply to stolen coins or coin-like objects under Sec. 308 of the Convention on Cultural Property Implementation Act.

(d) Iraq Cultural Heritage Protection Act -- The exemptions under this Section shall not apply to coins or coin-like objects under the Iraq Cultural Heritage Protection Act.

**Purpose of Amendment:** The Iraq Cultural Heritage Protection Act (H.R. 2009) is legislation recently introduced in the United States House of Representatives addressing the illegal importation into the U.S. of artifacts stolen from the Iraqi National Museum (INM) and other Iraqi institutions; the looting of Iraqi archaeological sites; and amendments to the Convention on Cultural Property Implementation Act ("CCPIA"). The major purpose of the Act is to protect irreplaceable objects from early Mesopotamia c. 3500 BC to the Persian conquest c. 500 BC; however, the Act is currently drafted so broadly that it could be interpreted to place restrictions on coins struck as late as 1903 AD. The broad reach of the Act, combined with its provenance requirements, could very well destroy ancient and foreign coin collecting in the U.S. It is for this reason that the American Numismatic Community submits a proposed modified amendment to H.R. 2009 that is an effort to balance U.S. obligations under U.N. Security Council Resolution S/2003/556 along with the legitimate needs of the archaeological and numismatic communities.

Although Mesopotamia boasted magnificent early civilizations, coins only arrived much later. The first western coins were struck in what is now present-day Turkey around the 7th C. BC. This innovation was ultimately carried with Greek civilization to the far reaches of Britain and India. Beginning around the 4th C. BC, Persian Satraps ruling in Babylon began to issue their own coins. The first issues copied Athenian coins. After Alexander the Great conquered the Persian Empire, he struck coins stamped with images of his own choosing with the expectation that they would be dispersed widely as his mercenaries returned home. Later issues were struck for the Seleucids, the Parthians, and the Sasanians. Early Islamic Dynasties and the Ottomans also struck coins in the area. For many issues, it is difficult or impossible to tell precisely where a particular coin was struck.

Most coins found in collectable condition come from hoards found in pots or other containers that may contain hundreds, if not thousands, of coins. These containers protect the coins from corrosion due to contact with the soil. In an era before modern banking, people typically buried their savings in secret locations. If they did not return, those coins have remained hidden until found by chance or design. Usually, large hoards are found outside the archeological stratum. In contrast, coins archeologists typically find are corroded because they have been exposed to the elements.

Ancient coins were produced in vast numbers (hundreds of millions), they circulated everywhere in the known world, and many hundreds of thousands if not millions survive to this day. They have been found and are found virtually everywhere from India to the east to Britain in the northwest. Even early Islamic coins have been found as far north as Sweden, carried there by the Vikings.

All these factors combine to make it virtually impossible for a coin dealer or collector to prove any provenance of a particular coin or group of coins. Restrictions also would impose unreasonable burdens on Customs and Border Protection personnel and coin dealers and collectors alike trying to comply with the Act. Listings of coins that might have been found or struck in Iraq would take up volumes. Immeasurable time would be taken determining if a coin would be on the restricted list and even then merely identifying a coin by type cannot provide reasonable suspicion that any individual coin was illegally removed from the Iraq National Museum, the National Library or other locations in Iraq. Even now, coin dealers have faced considerable delays because of Customs confusion about the scope of import restrictions on other artifacts. Such delays could very well become overwhelming if the Act becomes law without amendment.

No coins were stolen from the INM and recent reports of looting at Iraqi archaeological sites do not focus on (or even mention) coins. Nevertheless, U.N. Security Council Resolution S/2003/556 requires prohibition on trade or transfer of items for which there is a reasonable suspicion that they have been illegally removed from the INM, the National Library, and other locations within Iraq since the adoption of U.N. Resolution 661 on August 6, 1990. For that reason, the proposed amendment imposes import restrictions on coins, but implements those restrictions in such a fashion that will hopefully alleviate any undue burden to the legitimate numismatic trade.

In that regard, the proposed amendment also contains findings of fact. The first finding is for the benefit of Customs and Border Protection personnel. It confirms that merely identifying a coin by type cannot provide a basis for reasonable suspicion. The second finding indicates that self-help measures relating to metal detectors provide the best defense against looting of archaeological sites. Ultimately, the issue is one for authorities in Iraq, but either an outright ban or implementation of cooperative system involving both metal detectorists and archaeological authorities like that found in the United Kingdom should do much to solve any looting problems relating to coins.

Imposition of import restrictions on coins in this one case based on a U.N. Security Council Resolution does not change the fact that coins are different than other artifacts because they are not national treasures and because they circulated so widely as currency. In this regard, the American Numismatic Community's prospective exemption for coins from import restrictions merely enshrines into law prior recommendations from the State Department's Cultural Property Advisory Committee ("CPAC"). This body, which includes experts in archaeology, museum administration, and the art trade, was created specifically to provide advice to the President in such matters. Ancient coins have been exempted from prior broad cultural property import restrictions on Italian and Cypriot artifacts after CPAC carefully weighed identical issues. The Amendment will thus ensure that U.S. law will continue to be generally consistent with respect to the importation of coins into the U.S. even if the CCPIA is amended to bypass CPAC review in emergency situations. Accordingly, the exemption is an expression of the "independent judgement" that the United States reserved unto itself in such matters. See S. Rep. No. 97-564, at 22 (1982).

The ANA is a nonprofit, educational organization chartered by the U.S. Congress, to promote the study and collection of money, including coins, tokens, medals and paper currency, for research, interpretation and preservation of history and culture from ancient times to the present. The ANA has approximately 30,000 active members in the United States. Please contact John Wilson, the ANA's President, at 818 North Cascade Avenue, Colorado Springs, Colorado, 80903.

The PNG is a nonprofit organization founded in 1955. The PNG's motto, "Knowledge, Integrity, Responsibility" continues to reflect its aims, and is expressed in the strict requirements for election to membership to the PNG. The PNG has over 300 members across the United States and abroad. Please contact Harlan J. Berk, PNG's President, by email at [info@harlanjberk.com](mailto:info@harlanjberk.com) or by phone at (312) 609-0075.

The IAPN is a nonprofit organization of the leading international numismatic firms founded in 1951. The objectives of IAPN are the development of a healthy and prosperous numismatic trade conducted according to the highest standards of business ethics and commercial practice. The IAPN has 112 member firms in 23 countries, including 35 in the United States. Please contact Arthur Friedberg, IAPN's President, at P.O. Box 1057, Clifton New Jersey 07014.

