



February 26, 2021

Submitted via regulations.gov portal

Mr. Stefan Passantino
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: Docket DOS-2021-0003 Albania and Egypt

Dear Mr. Passantino and Cultural Property Advisory Committee Members:

On behalf of the Ancient Coin Collectors Guild, this responds to object to the proposed MOU and associated import restrictions with the Republic of Albania, and object to the proposed extension and amendment of the MOU and associated import restrictions with the Arab Republic of Egypt, as it impacts ancient coins, that is being considered by U.S. Cultural Property Advisory Committee in a public notice described at 86 Federal Register 8474, Docket DOS-2021-0003 (February 5, 2021).

To begin with, we request that CPAC take no action until its membership fully conforms to the requirements of 19 U.S.C. § 2605(b)(1)(A)-(D), which was enacted to ensure fair and balanced representation. Insofar as we detail at least four reasons why the proposed MOUs should not include an import restriction on ancient coins, we ask the CPAC to advise the decision maker Acting Assistant Secretary Matthew Lussenhop, to delist coins, or at least not further expand the designated coin list. With Albania expected to join the European Union, we also ask CPAC to advocate that any import restrictions be made subject to EU export controls binding on Albania, such that any Albania coins that may be on a designated list that are legally exported from sister E.U. countries are allowed entry into the United States.

The Ancient Coin Collectors Guild is a nonprofit organization, whose mission is to promote and nurture the free and independent collecting of coins from antiquity through education, political action and consumer protection. It has 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. Our website may be found at accguild.org (visited February 9, 2021).

I. The CPAC should take no action, until its membership composition fully conforms to the requirements of 19 U.S.C. § 2605(b)(1)(A)-(D), which was enacted to ensure fair and balanced representation.

As an important threshold matter, we request that the CPAC take no action until its membership composition fully conforms to the requirements of 19 U.S.C. § 2605(b)(1)(A)-(D). Enacted to ensure that there is a fair and balanced representation, 19 U.S.C. § 2605(b)(1)(A)-(D) requires that the CPAC “shall be composed of eleven members” and that its composition must comprise “[t]wo members representing the interests of museums”; “[t]hree members who shall be experts in the fields of archaeology, anthropology, ethnology, or related areas”; “[t]hree members who shall be experts in the international sale of archaeological, ethnological, and other cultural property”; [t]hree members who shall represent the interest of the general public.”

The CPAC, however, currently has only eight members,¹ and only one member² – not the statutory-required three members – who represents the international sale of cultural property. Having a “fair and balanced representation” on the CPAC is especially important, since some members represent hostile anti-collecting views, that are far more extreme than those of the broader archaeological community. As one example, at the CPAC’s public hearing on July 22, 2020, one CPAC member who represents archeological interests stated that ancient coin collectors – of which there are many thousands in the United States -- should give up collecting ancient coins and take up another hobby! While this person is no longer a CPAC member, archaeological slots are consistently filled, while slots representing the interests of art and antiquities dealers have gone unfilled for years.

We understand that there are a number of highly qualified members of the art dealers trade who have applied for CPAC slots, but have heard nothing about their applications. There are also no members representing the interests of religious minorities. This problem has manifested itself because some Middle Eastern Governments have claimed community religious property and, in some cases, have evicted minority Jewish and Christian populations. We urge the appointment of three members to represent the art dealers trade as well as those who can speak to the interests of religious minorities. This would be consistent with 19 U.S.C. § 2605(b)(2)(A), that require appointments be made in such a manner so as to insure “fair representation of the various interests of the public sectors and the private sectors in the international exchange of archaeological and ethnological materials.”

II. The CPAC public notice fails to properly inform the public whether ancient coins would be subject of import restrictions, and if such ancient coins are included, then the public notice needs to be reissued to afford the public with advance notice to allow for meaningful comments.

For Albania, the CPAC public notice at 86 Federal Register 8474, merely states that the proposed request from Albania seeks “import restrictions on archaeological and ethnological

¹ The current number and composition of the CPAC comes from <https://eca.stste.gov/cultural-heritage-center/cultural-property-advisory-committee/committee-members> (visited February 9, 2021).

² The one CPAC member who is listed as representing the interests of the art trade was initially appointed as a public member. Even though he is a collector, not a dealer, we nonetheless truly appreciate his efforts to ensure the representation of the interests of both small business and collectors.

material.” The notice fails to detail whether ancient coins would be subject to import restrictions.

For Egypt, the CPAC public notice at 86 Federal Register 8474, merely states that it is reviewing “the proposed extension and amendment of the cultural property agreement” with Egypt. The notice fails to detail whether any additional ancient coins would be subject to import restrictions in the “proposed extension and amendment.” Yet the current import restrictions for coins from Egypt, found at 81 Federal Register 87807-87808 (December 16, 2016) are currently limited to four categories: (1) copper, bronze and gold “Egyptian coin types” of Hellenistic, Ptolemaic and Roman origin, (2) Dynasty 30 nwb nfr coins, (3) Hellenistic and Ptolemaic coins “from ca. 332 B.C. through ca. 31 B.C.” struck “at Alexandria and any other mints that operated within the borders of the modern Egyptian state,” and (4) Roman coins from “ca. 31 B.C. though ca. A.D. 294” “struck in silver or bronze at Alexandria and any other mints that operated within the borders of the modern Egyptian state in the territory of the modern state of Egypt until the monetary reforms of Diocletian.” As such, Roman and Byzantine Imperial coin types struck in Egypt after 294 A.D. are not subject to any current import restrictions.

If the CPAC is considering import restrictions of ancient coins from modern-day Albania, or considering import restrictions of Roman and Byzantine Imperial coin types struck in modern-day Egypt after 294 A.D., the public notice needs to be reissued to afford the public with advance notice that such coins are being sought to be restricted, so to allow for meaningful public comments. A revised public notice is required under the Administrative Procedure Act, which 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 an extension of the import restrictions of ancient coins, then it must be 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. In any event, we question why it is necessary to impose import restrictions on ancient coins. Continued restrictions will negatively impact hobbyists who collect ancient coins for its history and culture.³ It will also negatively impact the cultural understanding such coinage provides as well as diminish the people-to-people contacts that collecting provides. As we will detail, it is well known that that it is typically impossible to assume a particular coin was “first discovered within” and “subject to the export control” of modern-day Albania or Egypt. Indeed, huge numbers of coins struck within modern-day Albania and Egypt were circulated and hoarded outside these countries, and are nowadays found widely and legally available for sale elsewhere and even within Albania and Egypt itself.

³ 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).

To the extent that the proposed MOU with Albania seeks to restrict ancient coins minted within modern-day Albania, scholarly evidence demonstrates not only were there relatively few mints located there, but that their coins were widely circulated and typically found outside the confines of modern-day Albania. For example, coins from the ancient cities of Apollonia and Dyrrhachium that are located in modern-day Albania have been found in eight other countries according to the database at coinhoards.org⁴ visited on February 10, 2021.

Coinhoards.org's database compiled coin hoards up to 1973, and lists coins from the ancient city of Apollonia, Illyria (whose ruins are located near the village of Pojan, Albania) that have been located in 55 finds spots. Besides Albania, these findspots are in the following eight countries: Romania (IGCH 561, 577, 581, 583-588, 591, 593-595, 597, 607-610, 655, 657, 661, 673, 684-685), Bulgaria (IGCH 571-573, 612-613, 615-617), Serbia (IGCH 579), Italy (IGCH 2054, 2133), Spain (IGCH 2313), Greece (IGCH 327), Turkey (IGCH 957), Bosnia (IGCH 578).

Additional coins from the ancient city of Apollonia have been found in countries, other than in Albania, according to ten post-1973 Royal Numismatic Society coin hoard publications:

I. M. Jessop Price (ed.)(Greek Hoards), Coin Hoards, Volume I (London, 1975)(Romania: CH-I 104 of 51 Drachms and CH-I 145 of 1 Drachm);

II. M. Jessop Price (ed.)(Greek Hoards), Coin Hoards, Volume II (London, 1976)(Romania: CH-II 116 of 3 Drachms);

III. M. Jessop Price (ed.)(Greek Hoards), Coin Hoards, Volume III (London, 1977)(Italy: CH-III 20 of 1 Pegasi Stater, Yugoslavia: CH-III 71 of 475 Drachms and CH-III 111 of 14 Drachms, Romania: CH-III 72 of 2 Drachms);

IV. M. Jessop Price (ed.)(Greek Hoards) Coin Hoards, Volume IV (London, 1978)(Bulgaria: CH-IV 63 of 47 "presumed" Drachms);

V. M. Jessop Price (ed.)(Greek Hoards) Coin Hoards, Volume V (London, 1980)(Yugoslavia: CH-V 54 of 447 Drachms);

VI. M. Jessop Price (ed.)(Greek Hoards), Coin Hoards, Volume VI (London, 1981)(Bulgaria: CH-VI 42 of "many" Drachms, Romania: CH-VI 80 of 1 Drachm);

VII. M. Jessop Price (ed.)(Greek Hoards), Coin Hoards, Volume VII (London, 1985)(Yugoslavia: CH-VII 118 of 135 Drachms, Romania: CH-VII 120 of 50+ Drachms, CH-VII 121 of "number" of Drachms, CH-VII 122 of 1 Drachm, CH-VII 124 of 1 Drachm, CH-VII 144 of 42 Drachms, Bulgaria: CH-VII 123 of "hundreds" of Drachms);

VIII. U. Wartenberg, M. Jessop Price, K.A. McGregor (eds.), Coin Hoards Volume VIII (London, 1994)(Bulgaria: CH-VIII 171 of 6 Tetaobolis, Italy: CH-VIII 232 of 1 Stater, Romania: CH-VIII 300 of 1 Drachm, CH-VIII 448 of 10 Drachms, CH-VIII 493 of 4 Drachms, CH-VIII 499 of 1 Drachm, CH-VIII 543 of 1 Drachm);

IX. Andrew Meadows, Ute Wartenberg (eds.) Coin Hoards Volume IX (London, 2002)(Greece: CH-IX 158 of 11 AE, Bulgaria: CH-IX 260 of 5 Drachms, Romania: CH-IX 270 of "unknown number" of Drachms from 270+ hoard, CH-IX 331 of 1 Drachm, Serbia: CH-IX 285 of 23 Drachms);

X. Oliver Hoover, Andrew Meadows, Ute Wartenberg (eds.), Coin Hoards Volume X (New York, 2010)(Greece: CH-X 54 of 1 Stater, Macedonia: CH-X 167 of 2 AR, Romania: CH-X 163 of 4 Drachms, Serbia: CH-X 172 of 54 Drachms, CH-X 173 of 1 AR, CH-X 174 of 48+ Drachms, CH-X 175 of

⁴ Coinhoards.org is a component of the National Endowment for the Humanities funded Hellenistic Royal Coinages project developed by the American Numismatic Society, which provides primary data and other information on 2,387 hoards of coins produced by Greeks and other non-Roman peoples in the Mediterranean and adjacent regions between ca. 650 B.C. and 30 B.C. Coinhoards.org is based on the print publication *Inventory of Greek Coin Hoards* published in 1973 by the ANS for the International Numismatic Commission.

300+ Drachms, CH-X 176 of 200+ Drachms, CH-X 177 of 38+ Drachms, CH-X 179 of 2+ Drachms, CH-X 180 of 79+ Drachms, Croatia: CH-X 181 “unknown number” of Drachms from 42 coin hoard.

Coinhoards.org’s database also lists coins from the ancient city of Dyrrhachium, Illyria (now present-day Durres, Albania) that have been located in 104 finds spots. Besides Albania, these findspots are in the following seven countries: Romania (IGCH 561, 577, 581-585, 587-590, 592, 594-611, 619-620, 640-641, 648, 650-652, 655, 658, 661, 673, 683-685), Bulgaria (IGCH 505, 570-576, 612-617, 669, 686-688, 976), Serbia (IGCH 579), Italy (IGCH 2127, 2130, 2133, 2135, 2144-2149, 2151, 2153-2154, 2180-2181, 2185, 2187-2188), Greece (IGCH 88, 236, 957), Montenegro (IGCH 391), Bosnia (IGCH 578).

Additional coins from the ancient city of Dyrrhachium have been found in countries, other than Albania, according to ten post-1973 Royal Numismatic Society coin hoard publications:

I. M. Jessop Price (ed.) (Greek Hoards), Coin Hoards, Volume I (London, 1975) (Romania: CH-I 104 of 314 Drachms and CH-I 143 of 2 Drachms, Italy: CH-I 39 of 1 Drachm);

II. M. Jessop Price (ed.) (Greek Hoards), Coin Hoards, Volume II (London, 1976) (Romania: CH-II 104 of 5 Drachms, CH-II 115 of 92 Drachms and CH-II 116 of 17 Drachms);

III. M. Jessop Price (ed.) (Greek Hoards), Coin Hoards, Volume III (London, 1977) (Sicily: CH-III 20 of 1 Pegasi Stater, Yugoslavia: CH-III 111 of 200 Drachms, Romania: CH-III 72 of 3 Drachms);

IV. M. Jessop Price (ed.) (Greek Hoards) Coin Hoards, Volume IV (London, 1978) (Greece: CH-IV 43 of 3 presumed Drachms, Bulgaria: CH-IV 63 of 273 presumed Drachms);

V. M. Jessop Price (ed.) (Greek Hoards) Coin Hoards, Volume V (London, 1980) (Romania: CH-V 98 of 1 Drachum);

VI. M. Jessop Price (ed.) (Greek Hoards), Coin Hoards, Volume VI (London, 1981) (Bulgaria: CH-VI 42 of “many” Drachums);

VII. M. Jessop Price (ed.) (Greek Hoards), Coin Hoards, Volume VII (London, 1985) (Romania: CH-VII 118 4 Drachms, CH-VII 119 of 3 Drachms, CH-VII 121 of “unknown number” of Drachms, CH-VII 122 of 8 Drachms, CH-VII 124 of 51 Drachms, CH-VII 125 of 13 Drachms, CH-VII 129 of 76 Drachms, CH-VII 144 of 101 Drachms, Bulgaria: CH-VII 123 of “hundreds” of Drachms);

VIII. U. Wartenberg, M. Jessop Price, K.A. McGregor (eds.), Coin Hoards Volume VIII (London, 1994) (Italy: CH-VIII 226 of 1 Pegasi Stater, Romania: CH-VIII 300 of 1 Drachm, CH-VIII 448 of 1 Drachm, CH-VIII 493 of 15 Drachms, CH-VIII 499 of unknown number of Drachms, CH-VIII 510 Drachms, CH-VIII 533 of 208 Drachms, CH-VIII 543 of 127 Drachms, Greece: CH-VIII 419 of 1 Drachm);

IX. Andrew Meadows, Ute Wartenberg, (eds.), Coin Hoards Volume IX (London, 2002) (Greece: CH-IX 248 of 1 Drachm, Bulgaria: CH-IX 260 of 22 Drachms, Romania: CH-IX 270 of “unknown number” of Drachms from 270+ hoard, CH-IX 315 of 11 Drachms, CH-IX 331 of 37 Drachms, Serbia: CH-IX 285 of 70 Drachms and 1 Hemidrachm, Italy: CH-IX 623 of 1 Pegasi Stater; Morocco: CH-IX 689 of 1 Drachm);

X. Oliver Hoover, Andrew Meadows, Ute Wartenberg (eds.), Coin Hoards Volume X (New York, 2010) (Greece: CH-X 54 of 29 Staters, Romania: CH-X 141 of 1 Stater, CH-X 163 of 15 Drachms, CH-X 190 of 1 Drachum, Macedonia: CH-X 167 of 8 silver, Serbia: CH-X 172 of 54 Drachms, CH-X 174 of 48+ Drachms, CH-X 175 of 300+ Drachms, CH-X 176 of 200+ Drachms, CH-X 177 of 149+ Drachms, CH-X 179 of 36+ Drachms, CH-X 180 of 15+ Drachms, Croatia: CH-X 181 of 42 silver, Italy: CH-X 395 of 1 Pegasi Stater, Sicily: CH-X 400 of 11 Staters, CH-X 407 of 4 Staters, CH-X 409 of 4 Staters, CH-X 411 of 3 Staters, Spain: CH-X 468 of 1 Stater).

Likewise, scholarly evidence demonstrates that large numbers of Roman “Egyptian-minted” coins after 294 A.D. were widely circulated and typically found, outside the confines of modern-day Egypt. This fact is widely known and confirmed by “The Coin Hoards of the Roman Empire Project,”⁵ found at <http://chre.ashmus.ox.ac.uk/>. The CHRE Project, a joint initiative of the Ashmolean Museum and the Oxford Roman Economy Project, “aims to collect information about hoards of all coinages in use in the Roman Empire between approximately 30 BC and AD 400.”

Using the CHRE Project’s interactive search function on February 10, 2021, to search for Alexandria minted coins for the Imperial, Byzantine and Provincial time periods, the CHRE Project database identified 119 coin hoards which contained Alexandria-minted coins. And of the listed coin hoards, 118 of the coin hoards were located outside present-day Egypt. The Alexandria-minted coins listed in the excel spreadsheet generated by CHRE Project include the following counties or localities: Algeria (2); Austria (4); Belgium (2); Bulgaria (4); Channel Islands, UK (1); Croatia (3); Czech Republic (4); Egypt (1)⁶; England, UK (6); Estonia (1); France (8); Georgia (1); Germany (4); Hungary (5); Israel (20); Italy (12); Libya (2); Luxembourg (2); Netherlands (2); Northern Macedonia (2); Poland (2); Portugal (1); Romania (5); Serbia (2); Slovenia (6); Spain (5); Syria (1); Tunisia (2); Turkey (4); and Wales, UK (1).



⁵ According to The Coin Hoards of the Roman Empire Project at <http://chre.ashmus.ox.ac.uk/content/about> (visited February 11, 2021) “[t]his website are constantly being updated and expanded and should not be considered comprehensive.” In Phase 1 (2013-18) the CHRE Project “aimed to collect summary hoard data from all Roman provinces, as well as inputting a selection of hoards at the level of the individual coin [, during which they] succeeded in putting online summary records for 12,144 hoards and single gold coins, amounting to no fewer than 3.5 million coins.” “The aims of [the ongoing] Phase 2 (initially 2019-2023) are to complete geographical coverage and to undertake the daunting task of systematically recording hoards at the level of the coin (including RIC numbers and full descriptions), where such data are available. This ambitious programme will dramatically increase the usefulness of the data. We were also increasingly being offered data on Roman hoards from outside the Empire and have now extended the project to include them, as again it will significantly increase research potential.”

⁶ Remarkably, the single coin hoard found in modern-day Egypt identified in the CHRE Project as Project Hoard 6147 discovered in the ancient town of Bakchias [present-day Kom el-Atl], was a hoard that contained no post 294 A.D. coinage. Instead, CHRE Project Hoard 6147 comprised only pre 294 A.D. coinage that consisted of 4,418 Alexandrian tetradrachms from Claudius to Marcus Aurelius, 2 Ptolemaic coins, 1 AE of Antoninus Pius.

Other coin hoard database compilations and publications confirmed that Alexandria-minted coins have been found outside present-day Egypt. For example, Coinhoards.org detailed that Alexandrian minted coins have been located in 26 countries (or localities) as follows: Algeria (3); Austria (6); Belgium (2); Bulgaria (2); Channel Islands, UK (16); Croatia (31); Czech Republic (4); Egypt (11); England, UK (8); Estonia (1); France (10); Georgia (4); Germany (6); Hungary (25); Israel (239); Italy (20); Libya (9); Luxembourg (11); Netherlands (3); Northern Macedonia (13); Poland (5); Portugal (1); Romania (11); Serbia (2); Slovenia (15); Spain (4); Syria (4); Tunisia (2); Turkey (26); and Wales, UK (1).

And according to the 10 post-1973 Royal Numismatic Society's coin hoard publications, Alexandria-minted coins -- ranging from Ptolemaic or earlier Tetradrachms, Roman Tetradrachms and Nummi, Byzantine Aes to "Mameluk" bronzes -- have been found at 21 hoards inside modern-day Egypt as well as in five other countries: Syria at CH-II 81, Cyprus at CH-IV 68 and CH-X 296, Greece at CH-IV 159, Jordan at CH-VII 77 and CH-X 268, Turkey at CH-X 251. Memphis-minted coins of Alexandria the Great have also been found in Turkey at CH-X 245 and Egypt at CH-X 446. Erik Christiansen's article "The Roman Coins of Alexandria (30 BC – 296 AD)," found at [Coin Hoards](#), Volume VII. pp 77-139 (London, 1985), discusses 60 coin hoards found in Egypt and identifies 19 coin hoards found in other counties and localities such as in Ceylon, Czechoslovakia, Denmark, England, Germany, Norway, Poland, Scotland, Soviet Union, Sudan, Switzerland, Wales and Yugoslavia.

IV. We believe that any import restrictions of ancient "Albania-minted" coins in an Albania MOU, and any import restriction of "Egyptian-minted" coins after 294 A.D. in an "expanded" Egyptian MOU, runs afoul of at least four statutory provisions of the CPIA and should be denied:

A. To begin with, the governing statutory provision at 19 U.S.C. § 2601(2)(C)(i)(I) of the CPIA require any restriction be placed only on artifacts of "cultural significance." 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 “mass-produced” objects in the ancient world, created by striking engraved obverse and reverse dies onto blank metal disks. Yet 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 and emphasis added).

B. The governing statutory provision at 19 U.S.C. § 2601(2)(C) of the CPIA also require that any restriction be applied on artifacts be that it is “first discovered within” in the affected country. *Ancient Coin Collectors Guild v. U.S. Customs and Border Protection*, 801 F. Supp. 2d 383, 407 n. 25 (D. Md. 2011)(“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.”).

As detailed above, however, scholarly evidence demonstrates that ancient “Albania-minted” coins were widely circulated and typically found outside the confines of modern-day Albania. The proposed MOU with Albania could also impact popular coins from the ancient cities of Apollonia (whose ruins are located near the village of Pojan, Albania), and Dyrrhachium (located in the modern-day city of Durres, Albania). The early coins from some of these cities copied cow/calf designs of Corcyra (modern-day Corfu), their mother city. Later, copies of Corinthian staters were struck, before massive issues of the cow/calf design were issued on the same weight standards as Roman Republican coins. These coins are found in great numbers in other countries. Indeed, over the course of thousands of years of human history modern-day Albania had been parts of a larger Kingdom of Macedonia, the Roman Republic as well as the Roman, Byzantine and Ottoman Empires all of which minted coins in many locations. No one can assume that ancient “Albania-minted coins” -- or even a substantial percentage of them -- were “first discovered within” modern-day Albania.

Likewise, and as detailed above, scholarly evidence demonstrates that ancient “Egyptian-minted” coins after 294 A.D. were widely circulated and typically found outside the confines of modern-day Egypt. These coins are found in great numbers in other countries. Indeed, over the course of thousands of years of human history modern-day Egypt had been parts of a larger Roman, Byzantine and Islamic Empires all of which minted coins in many locations. No one can assume that “Egyptian-minted coins” after 294 A.D. -- or even a substantial percentage of them -- were “first discovered within” modern-day Egypt.

C. The governing statutory provision at 19 U.S.C. § 2602(a)(1)(C)(2) of the CPIA also require that before any restriction can occur that “remedies less drastic than the application of the restrictions set forth … are not available.” There are at least two reasons why import restriction of ancient coins may not occur since there are available “remedies less drastic than the application of the restrictions.”

First, there is no evidence that either Albania or Egypt has adopted the “less drastic” system that exists with the United Kingdom’s Treasure Act and Portable Antiquities Scheme. Fully detailed at www.finds.org.uk, the United Kingdom’s system⁷ is well regarded, effective, and is clearly “less drastic” than ancient coin import restrictions for Albania or Egypt. 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.

Second, as another “less drastic” alternative to import restrictions, the CPAC should facilitate lawful trade by acknowledging and honoring European Union member countries, who allow the export of archaeological and ethnological objects with or without a license according to the local law of the exporting EU member. With Albania expected to join the EU, honoring EU exports certainly qualify as a “less drastic” remedy other “than the application of the restrictions.” Allowing entry of objects legally exported from the EU that are found on “designated lists” for EU member countries would greatly facilitate lawful trade in a situation that could not have been specifically contemplated by the CPIA, which predates the EU’s export control regime. This can be simply accommodated by modifying any MOU to make any import restrictions inapplicable to ancient coins legally exported from another EU country, with or without a formal export permit under local law.

⁷ 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, including 20 pieces of large-scale research and 95 PhDs[; the t]he Code of Practice for Responsible Metal Detecting in England and Wales provides the baseline for best practice for those searching for archaeology[; and that t]he PAS provides a model for other finds recording systems, such as those being established in Flanders, Denmark, the Netherlands and Finland.”

D. 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 CPIA, 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."

First, neither the 2021 public notice nor the CPAC's website documents – much less even allege -- that either Albania or Egypt 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 either Albania or Egypt has engaged in the necessary "credible enforcement efforts."

Second, neither the 2021 public notice nor the CPAC's website document – much less even allege -- that either Albania or Egypt has provided to the U.S. Cultural Property Advisory Committee 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 either Albania or Egypt has submitted the required "data of sufficient duration and scope to provide the information necessary for a reliable determination."

V. Conclusion

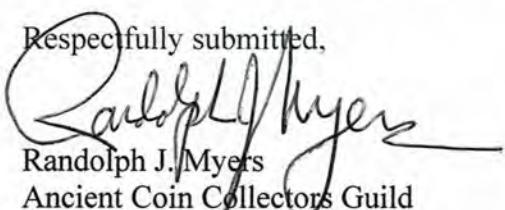
The Ancient Coin Collectors Guild urges the U.S. Cultural Property Advisory Committee to take no action until its membership fully conforms to the requirements of 19 U.S.C. 2605(b)(1)(A)-(D), which was enacted to ensure fair and balanced representation. If based on the 2021 notice the CPAC proposes to consider import restriction of ancient coins with the MOU with Albania, or in a proposed "expanded" MOU with Egypt the CPAC proposes to consider including the import restriction of Roman and Byzantine coins of Imperial types struck in Egypt after 294 A.D., then the CPAC is legally required to reissue a revised public notice, since it is otherwise impermissibly vague and fails to inform the public of the scope of proposed expanded import restrictions.

If the proposed MOUs are enacted or extended with import restrictions, we ask the CPAC to advise the decision maker Acting Assistant Secretary Matthew Lussenhop, to delist coins, or, failing that, to not expand the designated list further. With Albania expected to become part of the EU, we also ask CPAC to advocate that any import restrictions be made subject to European Union export controls binding on Albania, such that any Albania coins that may be on a designated list that are legally exported from sister EU countries are allowed entry into the United States.

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, "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,

A handwritten signature in black ink, appearing to read "Randolph J. Myers".

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