

ATADA Legal News Summary – August 2018

STOP

ATADA has strongly opposed passage of the 2017-2018 Safeguard Tribal Objects of Patrimony Act (STOP), S. 1400 and H.R.3211, through testimony and direct contacts with legislators. ATADA believes that STOP will discourage all trade in Indian art, harming artisans and local economies, will destroy value in legally-owned private property, and makes it illegal to export objects without identifying what those objects are. ATADA Board members have met with numerous legislative offices in person in order to bring home these objections. Most legislators have been responsive. All expressed appreciation for ATADA's landmark Voluntary Returns Program, which has turned out to be more effective than any federal enforcement actions and has returned over 100 sacred and ceremonial objects to tribes in just the last year. ATADA remains focused on bringing realistic, practical solutions to the table, rather than having unworkable laws forced on collectors and the trade. Unfortunately, other advocates have brought even more damaging legislation to the Congress in recent months. ATADA continues its campaign to raise awareness in Washington of the dangers of STOP, and to inform and educate the public.

MONEY LAUNDERING

An anti-money laundering bill now in the U.S. Senate is specifically directed at the art trade. HR 5886 is intended to “reduce international money laundering and crack down on terrorist organizations like ISIS.” Never mind that there is no evidence connecting U.S. art sales with terrorist activity. HR 5886 would apply the Bank Secrecy Act to dealers in art and antiquities, and require all U.S. art and antique dealers with as little as \$50,000 in annual purchases/sales to report transactions to the Department of the Treasury (FinCEN), to collect personal information from clients, and comply with a variety of burdensome regulations. ATADA has joined other arts organizations, in opposing HR 5886 and submitted its position to the House Financial Services Committee.

TARIFFS

The Office of the U.S. Trade Representative is considering tariffs on China covering antiques, antiquities, and collectibles. Tariffs on antiques will please China's government and strengthen its near monopoly on Chinese antique and ancient art. It would also be a major trade policy change for the United States. 90 years ago, Congress exempted antiquities and art objects from duty to encourage the free flow of cultural materials into the U.S. ATADA has submitted testimony against tariffs on antique art.

STATE DEPARTMENT PURSUES POLICY TO RESTRICT IMPORTS

This year, the State Department's Cultural Property Advisory Committee heard requests for import restrictions on virtually all art and artifacts from China, Ecuador, Bulgaria, Honduras, and Algeria. ATADA believes that blanket restrictions on art harm the U.S. public interest while failing to preserve sites. ATADA has testified in favor of U.S. citizens' access to art from around the world, and against agreements with source countries that don't protect their own artifacts.

INTERNATIONAL TRIBAL ART and ANTIQUITIES LEGISLATION

ATADA and European art dealer organizations are working to combat misinformation that has triggered European Commission legislation for 2019 to restrict import and export of items over 250 years of age by requiring either (1) documentation of lawful export from a source country or (2) a sworn affidavit from the exporter that an item was legally exported. Antique books and antiquities are among the items for which proof of legal export would be required, a problem because most such cultural items have been in circulation for decades among multiple owners.

The show season is a time to be especially alert to legal issues. Please be aware the legal rules and ethical guidelines that make for a responsible art market. ATADA Guidelines are at <https://atada.org/bylaws-policies/>.