

ASSOCIATION OF ART MUSEUM DIRECTORS

Suggested Changes to Proposed Regulations – Endangered Species Listed Objects and Objects with African Elephant Ivory (“Objects”)

A. Exhibition and long term loans:

- Remove the requirement that an Object “[h]as not subsequently been transferred from one person to another person for financial gain or profit since February 25, 2014” for the traveling exhibition exception to the import ban.
- Clarify that temporary exhibition includes loans of individual Objects and long term loans.
- Allow museums to borrow from abroad and lend to exhibitions abroad or for long term loans abroad antique Objects.
- Allow museums to certify the facts necessary to permit import and export of Objects for temporary exhibition, *e.g.* age and material “to best of knowledge,” including:
 - Objects from the museum’s collection being exported for loans;
 - Objects from foreign museums being imported for loans;
 - Objects from other museums lent to an exhibition and exported of which the museum certifying is the organizer; and
 - Objects lent to the museum by private collectors.

B. Conservation

- Allow museums to restore Objects in their collections with legally acquired ivory and thereafter to export and re-import those Objects for international exhibitions and long term loans

C. Bequests, donations and loans of Objects

- Clarify that none of these constitute a “commercial transaction” or a transaction for gain, to ensure that generous donors may continue to donate Objects and take a charitable tax deduction.

- Clarify that museums can loan Objects out and receive loans in even if loan fees or other costs are paid.

D. Acquisitions

- Allow museums to acquire and import into the United States antique Objects, including acquisitions from abroad, as long as the Object has been or will be accessioned to the permanent collection.
 - Meeting the definition can be done based upon a certificate of the importer/museum.
- Interstate and intrastate acquisitions of antique Objects by museums are also permitted.

E. Definition of Antique

- An “antique” is defined as any Object containing:
 - Worked African elephant ivory created prior to February 26, 1976 and raw African elephant ivory created prior to February 26, 1976 if the museum substantiates to Fish & Wildlife that the ivory has artistic or historic merit; or
 - Any other listed endangered species, as contemplated under the Endangered Species Act and as modified herein (repair and substantiation requirements).
- Allow experts (museum curators, auction houses, etc.) to certify that an Object is antique without the necessity of an appraisal or other independent proof.