

COMMITTEE FOR CULTURAL POLICY, INC.

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VIA <https://comments.ustr.gov/s/>

The Honorable Jamieson Greer

United States Trade Representative

Office of the United States Trade Representative

600 17th Street NW

Washington, D.C. 20508

Re: Section 301 Investigation into Structural Excess Capacity and Production in Manufacturing Sectors

The Committee for Cultural Policy (CCP)¹ respectfully submits this executive statement regarding the Office of the United States Trade Representative's Section 301 investigation into structural excess capacity and production in manufacturing sectors. CCP's mission is to support the preservation, study, and responsible circulation of cultural heritage.

The application of Section 301 remedies to goods classified under HTS Chapter 97—artworks, antiques, manuscripts, rare books, and collectors' items—is fundamentally misplaced. These objects are unique, non-fungible, and finite; many were created decades or centuries ago and cannot be reproduced or scaled. As such, they cannot be subject to “structural excess capacity” or overproduction. Neither the European Union nor any other country identified in this investigation can be said to generate surplus cultural goods in the manner contemplated by trade remedies designed for industrial manufacturing sectors. The conceptual basis of the investigation does not apply to cultural property.

Nor do the acts, policies, or practices of the relevant countries constitute unreasonable or discriminatory conduct. The regulation and circulation of cultural goods are governed by longstanding international and domestic frameworks, including the UNESCO Florence Agreement and its implementing U.S. legislation, which reflect a shared commitment to the free exchange of educational, scientific, and cultural materials. These frameworks facilitate, rather than restrict, lawful trade and access. There is no evidence that foreign policies burden U.S. commerce in cultural goods; to

¹ Committee for Cultural Policy, Inc. POB 4881, Santa Fe, NM 87502, is a U.S.-based nonprofit educational organization dedicated to the study of cultural property law and policy, the promotion of responsible preservation practices, and the lawful international exchange of art and antiquities for scientific, cultural, and educational purposes. The Committee for Cultural Policy publishes Cultural Property News, www.culturalpropertynews.org, a free, online art and cultural heritage news magazine, and publications on international laws on cultural heritage at Cultural Property Law, www.culturalpropertylaw.org

the contrary, the United States remains the largest art market globally, benefiting directly from open international circulation.

Section 301 is intended to address unfair trade practices affecting industrial production. Cultural goods fall entirely outside that domain. As emphasized by stakeholders including the International Association of Professional Numismatists, items under HTS 9705 and 9706—such as historical coins and antiques—are finite artifacts, not products of current manufacturing systems. There is no domestic production to protect, no supply chain to reshore, and no substitution effect that tariffs could induce. Imposing duties on such materials would not advance any legitimate trade objective.

Moreover, the imposition of tariffs on cultural goods would conflict with nearly a century of U.S. policy. Since the Tariff Act of 1930, Congress has provided duty-free treatment for antiques, a principle reinforced through the Educational, Scientific, and Cultural Materials Importation Act of 1966 implementing the Florence Agreement. U.S. customs practice has consistently recognized artworks and related materials as informational goods whose free movement serves broader national interests. Applying Section 301 tariffs in this context risks undermining these statutory commitments and the policy rationale underlying them.

The practical consequences would be immediate and adverse. Tariffs would fall primarily on U.S.-based actors—small and medium-sized businesses, galleries, dealers, auction houses, museums, scholars, and collectors—who depend on international circulation. They would discourage foreign consignments to the United States, reduce market activity, and shift transactions to competing markets in Europe and Asia. As the world's leading art market, the United States stands to lose both economic activity and cultural leadership, without any corresponding benefit to domestic manufacturing.

In sum, cultural goods are categorically distinct from the industrial products targeted by this investigation. They do not contribute to structural excess capacity, are not implicated in unfair trade practices, and cannot be addressed through tariffs without producing counterproductive results. CCP therefore urges the Section 301 Committee to confirm that such goods are not actionable under Section 301(b), to uphold longstanding U.S. commitments to their duty-free treatment, and to explicitly exclude all HTS Chapter 97 goods—including headings 9705 and 9706—from any tariff measures. Maintaining the free circulation of cultural property is essential to preserving the vitality of the U.S. cultural sector and its global leadership in the exchange of art, knowledge, and history.

Thank you for your attention to these serious concerns.

Sincerely,

Kate Fitz Gibbon

Secretary, Committee for Cultural Policy