

<https://committeeforculturalpolicy.org/two-dangerous-bills-fail-stop-and-taar-die-in-committee/>

## Two Dangerous Bills Fail: STOP and TAAR Die in Committee



December 31, 2016. Two bills that threatened significant harm to US collectors, museums, and the art trade, (and in the case of the STOP Act, to Native American artisans as well), have died in committee. Failure to act on a bill is equivalent to killing it, and neither came before the full House or Senate for a vote during the last legislative session. If passed, each could have seriously damaged US local and regional economies dependent on art fairs and tourist markets and closed thousands of small businesses. It is expected that similar bills will be introduced in the coming Congressional legislative session.

S. 3449, the “Terrorism Art and Antiquity Revenue Prevention Act” or TAAR Act, was supposedly intended to halt imports and sales of looted antiquities funding terrorist organizations. In fact, the bill’s title was a mere cloak to give the bill a positive veneer. Previous legislation halting the import of antiquities from Syria and Iraq had already passed and been signed into law. Instead, the TAAR Act would have fundamentally altered the market for all categories of art and antiques by amending the National Stolen Property Act (NSPA) to cover items worth as little as \$50. By making foreign export or registration requirements determine if an object was “stolen,” the TAAR Act would have overturned decades of case law on cultural property, threatened museum collections across the US and allowed foreign nations to determine whether US citizens could legally possess art from their countries. (See November 21, 2016, [Update on TAAR Act: Organizations Call for Halt to Proposed Law That Would Decimate Art Collecting & Trade](#))

S. 3127/H. 5854, the Safeguard Tribal Objects of Patrimony Act, or STOP Act, was a well-intentioned but poorly-written bill that would have created dangerous uncertainties for private owners of a wide range of Indian art, generated consumer confusion that would damage legitimate art dealers and tribal artisans, and created a bureaucratic nightmare for the tribes.

The STOP Act penalized export of any Native American cultural object obtained in violation of NAGPRA or ARPA (virtually any object collected on federal or Indian lands), including ceremonial items that cannot be identified by the tribes, since tribal custom forbids describing and identifying them. The items covered in the bill were very broad and did not prioritize the sacred items and human remains, many held by foreign museums, that were most desired by the tribes. The STOP Act’s 2-year “amnesty” window for the return of “unlawful” tribal cultural objects by private collectors implied that possession of all cultural objects was unlawful. By imposing implicit obligations on the public as well as museums to return cultural objects and by failing to establish basic standards of evidence for claims made by tribes, the STOP Act swept away constitutional and legislative protections for grandfathered objects under ARPA and NAGPRA, and departed from Congress’ intent to preserve scientific and academic access for the public benefit through private collections of Native American cultural objects. (See [Update: Legal Analysis of the STOP Act and Lessons from the Indian Repatriation Conference](#), November 26, 2016)

Although neither STOP nor TAAR made it out of committee in 2016, there is still considerable pressure being applied to Congress to introduce and pass similar legislation during the coming session. Trade, collector, and museum organizations have said that they are maintaining a watchful eye on legislation impacting international, ethnographic, and Native American art.

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