



National Preservation Institute

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Native American Cultural Property Law

Seminar Overview

Review the use of federal, state, and tribal law to manage and protect Native American cultural property under NAGPRA, ARPA, the Antiquities Act, NHPA, NEPA, AIRFA, The Indian Arts and Crafts Act, Sacred Sites, and selected state and tribal codes. Discussion will cover the government-to-government obligations of federal and state agencies, the fiduciary responsibility to tribes, and applications related to cultural property through human rights law (sec. 1983), contract and tort applications, and intellectual/intangible property law.

Agenda

- Short history of Indian law and treaties with the United States
- Basis of government-to-government relationship
- The interface of jurisdiction between federal, state, and tribal government
- The common law in the United States and Native American cultural property
- Intellectual property law vs. intangible property
- Overview of statutes as tools to manage Native American cultural property
 - NAGPRA, ARPA, NHPA, NEPA, Indian Arts and Crafts, AIRFA
 - State laws, burial law, health and safety, zoning
 - Tribal law and the development of tribal codes
- Issues in collections containing Native American cultural property
 - Subject to NAGPRA
 - Not subject to NAGPRA
- The courts and case studies pertaining to Native American cultural property