

**THE NATIVE AMERICAN GRAVES PROTECTION AND  
REPATRIATION ACT FOR MUSEUM LAWYERS**

**Saturday, May 12, 2007**

**DePaul University College of Law  
Chicago, Illinois**

*Sponsored by:*

*National Park Service  
National NAGPRA Program  
and  
Visitor and Resource Protection*

*The Lawyers' Committee for  
Cultural Heritage Preservation*

*DePaul University  
College of Law*

9:00-9:15 a.m.	Welcome and Introduction	Patty Gerstenblith Professor DePaul University College of Law & President The Lawyers' Committee for Cultural Heritage Preservation
9:15-10:00 a.m.	<u>Session 1</u> Context: The Legal Backdrop to NAGPRA	Sherry Hutt Manager National NAGPRA Program National Park Service & (former) Assistant U.S. Attorney District of Arizona

*In this session, the instructor will present NAGPRA against the backdrop of the common law of property, American Indian law, human rights law, and administrative law. The instructor also will discuss the elements of jurisdiction, standing, and categories of NAGPRA-protected cultural items.*

10:00-10:10 a.m.      BREAK

10:10-11:30

Session 2

Staying “Out of Trouble”:  
The Mechanics of Museum  
Compliance with the  
Requirements of NAGPRA

Tim McKeown, Ph.D.  
Regulations Coordinator &  
Designated Federal Officer for the  
NAGPRA Review Committee  
National NAGPRA Program  
National Park Service

*In this session, the instructor will explain what museums **must** and **must not** do in order to be deemed in compliance with the requirements of NAGPRA, including the new regulation on future applicability (43 C.F.R. 10.13), and what museums **may** do as they proceed with the NAGPRA process. The instructor also will discuss NAGPRA grants to museums and tribes to consult and repatriate, as well as the criminal prohibitions of NAGPRA as they might relate to museums.*

11:30-1:00 p.m.

LUNCH

1:00-2:00 p.m.

Session 3

“Trouble”: Museum Failure to  
Comply with the Requirements  
of NAGPRA, Investigating  
Allegations of Failure to Comply,  
and the NAGPRA Civil Penalty  
Process

David Tarler, J.D.  
Enforcement and Training  
Coordinator  
National NAGPRA Program  
National Park Service

Bob Palmer  
Ranger  
Effigy Mounds National Monument  
& NAGPRA Civil Penalty  
Investigator  
National Park Service &  
Assistant Professor of Criminal  
Justice  
Loras College

*In this session the instructors will focus on 43 C.F.R. 10.12, the NAGPRA regulation dealing with civil penalties against museums for failing to comply with the requirements of the Act. The instructors will discuss the eight ways that a museum might fail to comply, allegations of failure to comply, investigation of allegations, a finding of no failure, and the process of notifying a museum of a failure to comply and assessing a civil penalty.*

2:00-2:30 p.m.

Session 4

Risk Management: Minimizing  
The Risk of an Allegation and  
Museum Action to Support a  
Reduced NAGPRA Civil Penalty

David Tarler

Bob Palmer

*In this session the instructors will discuss how a museum might minimize the risk of an allegation being written, and will present options for museum action that could reduce the amount of a NAGPRA civil penalty.*

