

Oklahoma City University Law Library
Library User Guide - NAGPRA
Native American Graves Protection and Repatriation Act
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Introduction and purpose

Passed in 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) is the federal law that allows museums and federal agencies to repatriate Native American cultural items. NAGPRA also protects burial sites on federal and tribal lands by requiring consultation with tribes before undertaking excavation of Indian sites. NAGPRA includes provisions for culturally unidentifiable Native American cultural items, inadvertent discovery of Native American cultural items on federal and tribal lands, and penalty provisions.

The purpose of this guide is to familiarize researchers with NAGPRA and outline the resources at the OCU Law Library. The guide will also briefly outline freely available resources. **This guide is not all-inclusive and is not a substitute for independent legal research about this topic.**

Federal and state laws

U.S. Code (USC):

Native American Graves Protection and Repatriation Act [25 U.S.C. 3001 et seq.](#) (Nov. 16, 1990).

Applicable Sections of the Code of Federal Regulations (CFR):

[18 CFR 1312](#)

[23 CFR 773](#)

[32 CFR 651](#)

[36 CFR 296](#)

[43 CFR 7](#) & [10](#) Main NAGPRA regulations

Oklahoma Statutes:

[Oklahoma Title 21, Chapter 47](#)

Dictionaries and Encyclopedias

Primarily used for background information, encyclopedias and dictionaries define basic terminology and give researchers a starting point.

West's Encyclopedia of American Law is available at KF 154.W47 2004 in the first floor reference wing.

Native Americans and the Law: A Dictionary is available at KF8203.6.S66 2000 on the third floor.

The Encyclopedia of Native American Legal Tradition is available at KF8204.E53 1998 on the third floor.

This guide is part of the OCU Law Library series of Research Guides and Pathfinders.

Additional copies and future updated versions are available at:

http://www.okcu.edu/law/lib/library_researchguides.html

Handbooks and Nutshells

Handbooks and nutshells give a broad overview of the law in a particular area.

American Indian Law in a Nutshell is on reserve at the Circulation desk at KF8205.Z9 C36 2009; earlier editions are located in the Native American Collection on the third floor.

Handbook of Federal Indian Law is on reserve at the Circulation desk at KF 8205.C6 2005 and also in the Native American Collection on the third floor.

Web Sites

The sites below are freely available resources that explain NAGPRA or repatriation of cultural artifacts.

U.S. Department of the Interior

<http://www.nps.gov/nagpra/MANDATES/INDEX.HTM>

The U.S. Department of the Interior's Web site for NAGPRA is a useful and extensive resource. The agency provides links to the law, summaries, and legislative history.

U.S. Department of the Interior

<http://www.usbr.gov/nagpra/>

This section of the U.S. Department of the Interior Web site focuses on how NAGPRA affects the Bureau of Reclamation.

U.S. Fish & Wildlife Service

<http://www.fws.gov/historicpreservation/crp/NAGPRA.html>

The U.S. Fish & Wildlife Service offers information on how it complies with NAGPRA.

National Association of Tribal Historic Preservation Officers

<http://www.nathpo.org/mainpage.html>

This professional association represents tribal historic preservation officers who work for preservation programs at federally-recognized Native American tribes.

Association on American Indian Affairs

http://www.indian-affairs.org/programs/aaia_repatriation_nagpra.htm

The AAIA acts as a clearinghouse of information about NAGPRA and its required procedures.

Indianz.com

<http://indianz.com>

This site features current events and news of interest to Native Americans, including many articles and links related to NAGPRA.

American Indian Ritual Object Repatriation Foundation

www.repatriationfoundation.org

The Foundation is a nonprofit organization that facilitates repatriation of sacred ceremonial material and educates the public about repatriation.

Smithsonian Museum of Natural History

www.nmnh.si.edu/anthro/repatriation

The Smithsonian's Repatriation Office falls under the NMAI Act of 1989 ([Public Law 101-185](#)). The office clarifies the repatriation process and provides links to collections and reports.

Arrowheads

www.arrowheads.com/burials.htm

This is a compilation of state repatriation, reburial, and grave protection laws. This page was last updated in July, 1997 so researchers will need to update the information they get here.

Guides

These resources are designed to give attorneys a focused and practical view of NAGPRA. ***Cultural Property Law: A Practitioner's Guide*** is available in the Native American collection on the third floor at KF 4310.C85 2004.

The Rights of Indians and Tribes: The Authoritative ACLU Guide to Indian and Tribal Rights is on reserve at the Circulation desk at KF 8210.C5 P48 2002. Earlier editions are located in the Native American Collection on the third floor.

Books

The books below deal with some aspect of NAGPRA or the issue of cultural artifacts. Please check the [OCU Law Library catalog](#) for details.

Legal Perspectives on Cultural Resources is available in the Native American collection on the third floor at KF 8210.A57 L44 2004.

Grave Injustice: The American Indian Repatriation Movement and NAGPRA is available in the Native American collection on the third floor at KF 8210.A57 F56 2002.

Repatriation Reader: Who Owns American Indian Remains? is available in the Native American collection on the third floor at E98.M34 R46 2000.

No Bone Unturned: The Adventures of a Top Smithsonian Forensic Scientist and the Legal Battle for America's Oldest Skeleton is available in the Native American collection on the third floor at KF 8210.A57 B46 2003.

Cross-cultural Collaboration : Native peoples and archaeology in the northeastern United States is available in the Native American collection on the third floor at E78.E2 C76 2006.

Imperialism, art and restitution is available on the third floor at K3788.I47 2006.

For indigenous eyes only: a decolonization handbook is available in the Native American collection on the third floor at E98.E85 F67 2005.

Law Reviews and Journals

Law review and journal articles are an excellent starting point for legal research because the authors usually have done extensive research. You can search one of the [subscription databases](#) for specific articles.

Indigenous law bulletin is available from v.5 (2002) to present in the Native American Collection on the third floor.

The indigenous law journal at the University of Toronto Faculty of Law is available from v.1 (2002) to present in the Native American Collection on the third floor and electronically via the subscription database Hein Online.

Indigenous peoples' journal of law, culture, & resistance is available from v.1 (2004) to present in the Native American Collection on the third floor.

Native Americas: Akwe:kon's journal of indigenous issues is available from v.14 (1997) until v.21 (2004) in the Native American Collection on the third floor.