



Museum Accessioning and Registration of Collections Online Course

OKMuseums.org



Project made possible with funding from:



NATIONAL
ENDOWMENT
FOR THE
HUMANITIES

Module 21: Other Laws Pertaining to Museum Collections

Oklahoma Museums Association [OKMuseums.org](https://www.okmuseums.org)

Please complete an evaluation at <https://www.surveymonkey.com/r/MARCONLINE>

Other Laws Pertaining to Museum Collections

Aside from copyright law, NAGPRA, and IRS charities law, there are *primarily* three federal statutes that deal with historic resources within the United States that should be of concern to museums (*source: [A Legal Primer on Managing Museum Collections](#) by Marie Malaro*):

The U.S. Antiquities Act of 1906. Domestic antiquities cannot be removed from lands owned or controlled by the government without the permission of the Secretary of the department who has jurisdiction over the land in question.

The Archaeological Resources Protections Act of 1979 (ARPA). An expansion of the U.S. Antiquities Act, it provides for the protection of archaeological materials on federal land.

The National Historic Preservation Act of 1966. Established the national register and provides for financial assistance for preservation projects and mandatory review of proposed changes to properties on the National Register.

Laws Pertaining to Animal and Plants

There are laws pertaining to plants and wildlife that museums need to be aware of. These laws impact potential acquisitions and scientific specimen field work. Artifacts containing parts of specimens (such as a Native American artifact, a feather found on the side of a road, or a necklace made of beetle shells purchased abroad and donated to the museum), could be subject to these laws. The laws include:

The Endangered Species Act. Prohibits the importation and exportation, and the sale, trade, or shipment in interstate and foreign commerce, of listed endangered or threatened species, their parts, and products made from them.

The Migratory Bird Treaty Act. Makes it unlawful to kill, capture, collect, possess, buy, sell, ship, import, or export most migratory game and non-game birds, including their nests or eggs, unless an appropriate federal permit is obtained. **Museums MUST have federal permits to possess bird parts, including feathers, that fall under this act.**

<https://www.fws.gov/service/3-200-7-migratory-bird-and-eagle-scientific-collecting>

The Bald and Golden Eagle Protection Act. Makes it unlawful to take bald or golden eagles or to sell, purchase, or barter their parts (including feathers) or products made from them. **Museums MUST have federal permits to possess Bald or Golden Eagle parts, including feathers.**
<https://www.fws.gov/service/eagle-exhibition>

The African Elephant Conservation Act. The law prohibits the import of raw ivory from any non-ivory producing country. It also requires that raw or worked ivory imported from any ivory producing country be verified that it was not exported in violation of CITES or that foreign country's laws. Any imports containing personal effects made from ivory must be certified that they were derived from legal sources. The law also prohibits the export of any raw ivory from the United States.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Is an international agreement between governments that aims to ensure that international trade in specimens does not threaten the survival of species. This impacts imports/exports and permits are required.
If you need help applying for permits, contact your regional USFWS office.
The

To note:

When importing any animal part, a separate USFWS border filing, called an Electronic Declaration (eDecs) is required. It is recommended that a knowledgeable Customs Broker who deals with museum collections is used to assist with this filing.
<https://edecs.fws.gov/>

Other Laws Pertaining to Museum Collections

1968 Gun Control Act. Makes it illegal for any individual or organization to have a machine gun not registered with a permit.

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, 1970 (implemented in the United States by P.L. 97-446 in 1983, 19 USC 2601). Signatory nations agree to work to prevent the import of and trade in archaeological and ethnographic materials (when requested) and in stolen cultural collections. As of 2000, Bolivia, Cambodia, Canada, Cyprus, El Salvador, Guatemala, Mali, and Peru have requested other signatories not import archaeological and ethnographic materials that originated in their nations.

Pre-Columbian Act of 1972. Prohibits importation of pre-Columbian material without a permit.

Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954. Protects property during wartime and looting. Aims to protect cultural property, such as monuments of architecture, art or history, archaeological sites, works of art, manuscripts, books and other objects of artistic, historical or archaeological interest, as well as scientific collections of any kind regardless of their origin or ownership.

<https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>

This is not an all-encompassing list of laws that pertain to museum collections.

Helpful resources:

A Legal Primer on Managing Museum Collections. Marie C. Malaro and Ildiko DeAngelis, 2012 (3rd edition)

Museum Law: A Guide for Officers, Directors, and Counsel. Marilyn Phelan, 2014 (4th edition)