

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and the Congress.

(c) Membership

The Board shall be comprised of—

(1) the Secretary, or the Secretary's designee;

(2) 6 members appointed by the Secretary who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations,¹ and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications who represent major organizations in the fields of archaeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

(Pub. L. 89-665, title IV, §404, as added Pub. L. 102-575, title XL, §4022, Oct. 30, 1992, 106 Stat. 4766.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 470x-1 of this title.

§ 470x-4. Preservation grants

(a) In general

The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution and skills training in all the related historic preservation fields.

(b) Grant requirements

(1) Grants provided under this section shall be allocated in such a fashion to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) Eligible applicants

Eligible applicants may include Federal and non-Federal laboratories, accredited museums, universities, nonprofit organizations; offices, units, and Cooperative Park Study Units of the National Park System, State Historic Preservation Offices, tribal preservation offices, and Native Hawaiian organizations.

(d) Standards

All such grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

¹ So in original. The comma probably should be a semicolon.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 89-665, title IV, §405, as added Pub. L. 102-575, title XL, §4022, Oct. 30, 1992, 106 Stat. 4767.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 470x-2 of this title.

§ 470x-5. General provisions

(a) Acceptance of grants and transfers

The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) Contracts and cooperative agreements

Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this part.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the establishment, operation, and maintenance of the Center. Funds for the Center shall be in addition to existing National Park Service programs, centers, and offices.

(Pub. L. 89-665, title IV, §406, as added Pub. L. 102-575, title XL, §4022, Oct. 30, 1992, 106 Stat. 4767.)

§ 470x-6. National Park Service preservation

In order to improve the use of existing National Park Service resources, the Secretary shall fully utilize and further develop the National Park Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of such centers and offices within the National Park Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

(Pub. L. 89-665, title IV, §407, as added Pub. L. 102-575, title XL, §4022, Oct. 30, 1992, 106 Stat. 4768.)

CHAPTER 1B—ARCHAEOLOGICAL RESOURCES PROTECTION

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- (d) Terms and conditions of permit.
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- (g) Excavation or removal by Indian tribes or tribe members; excavation or removal of resources located on Indian lands.
- (h) Permits issued under Antiquities Act of 1906.
- (i) Compliance with provisions relating to undertakings on property listed in the National Register not required.
- (j) Issuance of permits to State Governors for archaeological activities on behalf of States or their educational institutions.
- 470dd. Custody of archaeological resources.
- 470ee. Prohibited acts and criminal penalties.
 - (a) Unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources.
 - (b) Trafficking in archaeological resources the excavation or removal of which was wrongful under Federal law.
 - (c) Trafficking in interstate or foreign commerce in archaeological resources the excavation, removal, sale, purchase, exchange, transportation or receipt of which was wrongful under State or local law.
 - (d) Penalties.
 - (e) Effective date.
 - (f) Prospective application.
 - (g) Removal of arrowheads located on ground surface.
- 470ff. Civil penalties.
 - (a) Assessment by Federal land manager.
 - (b) Judicial review of assessed penalties; collection of unpaid assessments.
 - (c) Hearings.
- 470gg. Enforcement.
 - (a) Rewards.
 - (b) Forfeitures.
 - (c) Disposition of penalties collected and items forfeited in cases involving archaeological resources excavated or removed from Indian lands.
- 470hh. Confidentiality of information concerning nature and location of archaeological resources.
 - (a) Disclosure of information.
 - (b) Request for disclosure by Governors.
- 470ii. Rules and regulations; intergovernmental coordination.
 - (a) Promulgation; effective date.
 - (b) Federal land managers' rules.
 - (c) Federal land managers' public awareness program of archaeological resources on public lands and Indian lands; report.
- 470jj. Cooperation with private individuals.
- 470kk. Savings provisions.
 - (a) Mining, mineral leasing, reclamation, and other multiple uses.
 - (b) Private collections.
 - (c) Lands within chapter.
- 470ll. Annual report to Congress.
- 470mm. Surveying of lands; reporting of violations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 410pp-5, 410tt-3, 460uu-41, 460ccc-3, 460hhh-4, 460iii-5, 460jjj-1, 470a of this title; title 20 section 4424; title 43 section 2102.

§ 470aa. Congressional findings and declaration of purpose

(a) The Congress finds that—

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness;

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and

(4) there is a wealth of archaeological information which has been legally obtained by private individuals for noncommercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this chapter is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979.

(Pub. L. 96-95, §2, Oct. 31, 1979, 93 Stat. 721.)

SHORT TITLE

Section 1 of Pub. L. 96-95 provided that: "This Act [enacting this chapter] may be cited as the 'Archaeological Resources Protection Act of 1979'."

§ 470bb. Definitions

As used in this chapter—

(1) The term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this chapter. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term "Federal land manager" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term