

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.

**(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**

Sec. 470aa. Congressional findings and declaration of purpose.

- Sec. 470bb. Definitions.
- 470cc. Excavation and removal.
  - (a) Application for permit.
  - (b) Determinations by Federal land manager prerequisite to issuance of permit.
  - (c) Notification to Indian tribes of possible harm to or destruction of sites having religious or cultural importance.
  - (d) Terms and conditions of permit.
  - (e) Identification of individuals responsible for complying with permit terms and conditions and other applicable laws.
  - (f) Suspension or revocation of permits; grounds.
  - (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.
- 470jj. Cooperation with private individuals.
- 470kk. Savings provisions.
  - (a) Mining, mineral leasing, reclamation, and other multiple uses.

Sec.

- (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 means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this chapter of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(3) The term "public lands" means—

(A) lands which are owned and administered by the United States as part of—

- (i) the national park system,
- (ii) the national wildlife refuge system,

or

- (iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution.

(4) The term "Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 et seq.].

(6) The term "person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term "State" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(Pub. L. 96-95, § 3, Oct. 31, 1979, 93 Stat. 721; Pub. L. 100-588, § 1(a), Nov. 3, 1988, 102 Stat. 2983.)

## REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (5), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

## AMENDMENTS

1988—Par. (3). Pub. L. 100-588 substituted a period for semicolon at end.