

§ 470x-1. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 89-665, title IV, § 402, as added Pub. L. 102-575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4766, provided definitions for this part. See section 305301 of Title 54, National Park Service and Related Programs.

§ 470x-2. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 89-665, title IV, § 403, as added Pub. L. 102-575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4766, related to establishment of National Center for Preservation Technology and Training. See section 305302 of Title 54, National Park Service and Related Programs.

§ 470x-3. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 89-665, title IV, § 404, as added Pub. L. 102-575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4766; amended Pub. L. 106-208, § 5(a)(14), May 26, 2000, 114 Stat. 319, related to Preservation Technology and Training Board. See section 305303 of Title 54, National Park Service and Related Programs.

§ 470x-4. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 89-665, title IV, § 405, as added Pub. L. 102-575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4767, related to preservation grants. See section 305304 of Title 54, National Park Service and Related Programs.

§ 470x-5. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 89-665, title IV, § 406, as added Pub. L. 102-575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4767, related to grants and transfers, contracts and cooperative agreements, and appropriations. See section 305305 of Title 54, National Park Service and Related Programs.

§ 470x-6. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 89-665, title IV, § 407, as added Pub. L. 102-575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4768, related to National Park Service preservation. See section 305306 of Title 54, National Park Service and Related Programs.

CHAPTER 1B—ARCHAEOLOGICAL RESOURCES PROTECTION

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§ 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

Pub. L. 96-95, § 1, Oct. 31, 1979, 93 Stat. 721, provided that: "This Act [enacting this chapter] may be cited as the 'Archaeological Resources Protection Act of 1979'."

GALISTEO BASIN ARCHAEOLOGICAL SITES PROTECTION

Pub. L. 108-208, Mar. 19, 2004, 118 Stat. 558, known as the "Galisteo Basin Archaeological Sites Protection Act", provided for the preservation, protection, and interpretation of nationally significant archaeological resources in the Galisteo Basin of New Mexico by designating Galisteo Basin Archaeological Protection Sites and their acreage and provided for addition, deletion or modification of the sites, administration, cooperative agreements, acquisition of land and interests, withdrawal of lands from mining and other public land laws, and construction of the Act.

§ 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.

§ 470cc. Excavation and removal

(a) Application for permit

Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this chapter, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

(b) Determinations by Federal land manager prerequisite to issuance of permit

A permit may be issued pursuant to an application under subsection (a) if the Federal land manager determines, pursuant to uniform regulations under this chapter, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

(c) Notification to Indian tribes of possible harm to or destruction of sites having religious or cultural importance

If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 470hh of this title.

(d) Terms and conditions of permit

Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this chapter, as the Federal land manager concerned deems necessary to carry out the purposes of this chapter.

(e) Identification of individuals responsible for complying with permit terms and conditions and other applicable laws

Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this chapter and other law applicable to the permitted activity.

(f) Suspension or revocation of permits; grounds

Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 470ee of this title. Any such permit may be