

vate property only if it is necessary to prevent direct and material damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be affected.”

**§ 410ii-4. Cooperative agreements for the protection, preservation, and maintenance of archeological resources**

The Secretary shall seek to enter into cooperative agreements with the owners, including the beneficial owners, of the properties located in whole in or in part within the park or the archeological protection sites. The purposes of such agreements shall be to protect, preserve, maintain, and administer the archeological resources and associated site regardless of whether title to the property or site is vested in the United States. Any such agreement shall contain provisions to assure that (1) the Secretary, or his representative, shall have a right of access at all reasonable times to appropriate portions of the property for the purpose of cultural resource protection and conducting research, and (2) no changes or alterations shall be permitted with respect to the cultural resources without the written consent of the Secretary. Nothing in this subchapter shall be deemed to prevent the continuation of traditional Native American religious uses of properties which are the subject of cooperative agreements.

(Pub. L. 96-550, title V, §505, Dec. 19, 1980, 94 Stat. 3229.)

**§ 410ii-5. Administration**

**(a) Laws governing**

The Secretary shall administer the park in accordance with the provisions of this subchapter and the provisions of law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),<sup>1</sup> and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).<sup>1</sup>

**(b) Protection, preservation, and maintenance of cultural resources**

The Secretary shall protect, preserve, maintain, and administer the Chaco Culture Archeological Protection Sites, in a manner that will preserve the Chaco cultural resource and provide for its interpretation and research. Such sites shall be managed by the Secretary in accordance with the provisions of this subchapter and the provisions of law generally applicable to public lands as defined in section 1702(e) of title 43: *Provided, however*, That lands held in trust by the Secretary for an Indian tribe or any individual member thereof, or held in restricted fee status shall continue to be so managed or held by the Secretary.

**(c) Activities endangering cultural values prohibited**

No activities shall be permitted upon the upper surface of the archeological protection sites which shall endanger their cultural values. For the purposes of this subchapter, upper surface shall be considered to extend to a depth of twenty meters below ground level. Nothing in this subchapter shall be deemed to prevent ex-

ploration and development of subsurface oil and gas, mineral, and coal resources from without the sites which does not infringe upon the upper surface of the sites.

**(d) Livestock grazing permitted**

Nothing in this subchapter shall be deemed to prevent the continuation of livestock grazing on properties which are the subject of cooperative agreements.

**(e) General management plan; transmittal to Congress**

Within three complete fiscal years from December 19, 1980, the Secretary shall transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the identification, research, and protection of the park, pursuant to the provisions of section 100502 of title 54, to be developed by the Director, National Park Service, in consultation with the Directors, Bureau of Land Management and Bureau of Indian Affairs and the Governor, State of New Mexico, and a joint management plan for the identification, research, and protection of the archeological protection sites, to be developed by the Director, National Park Service, in consultation and concurrence with the Directors, Bureau of Land Management and Bureau of Indian Affairs, and the Governor, State of New Mexico.

**(f) Assistance to Navajo Nation**

The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on land under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended [25 U.S.C. 5301 et seq.], to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites.

(Pub. L. 96-550, title V, §506, Dec. 19, 1980, 94 Stat. 3229; Pub. L. 104-11, §5, May 18, 1995, 109 Stat. 159.)

**Editorial Notes**

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former

<sup>1</sup> See References in Text note below.

sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7), referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Indian Self-Determination and Education Act, referred to in subsec. (f), probably means the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

#### CODIFICATION

In subsec. (e), “section 100502 of title 54” substituted for “subsection 12(b) of the Act of August 18, 1970” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

#### AMENDMENTS

1995—Subsec. (f). Pub. L. 104-11 added subsec. (f).

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

#### § 410ii-6. Research and data gathering

##### (a) Plan for continued operational program; submittal to Congress

Consistent with and in furtherance of the purposes of the Division of Cultural Research of the Southwest Cultural Resources Center, operated by the National Park Service, the Secretary shall continue such research and data gathering activities as may be appropriate to further the purposes of this subchapter and knowledge of the Chaco culture. The Secretary shall submit in writing within six months of the effective date of this section, to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a plan for the continued operational program of the Division. The Secretary is authorized and encouraged to establish a committee composed of professional archeologists and others with related professional expertise including the designee of the Governor of the State of New Mexico to advise the Secretary in matters related to the surveying, excavation, curation, interpretation, protection, and management of the cultural resources of the historical park and archeological protection sites.

##### (b) Computer-generated data base; furnishing of information to Federal and private groups

The Secretary shall, through the Division of Cultural Research of the Southwest Cultural Re-

sources Center of the National Park Service, be responsible for the development of a computer-generated data base of the San Juan Basin, and make such information available to Federal and private groups when to do so will assist such groups in the preservation, management, and development of the resources of the basin.

##### (c) Opportunity for Secretary to comment on proposed expenditures and permits

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters in the archeological protection sites, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall prior to the approval of the expenditure of any Federal funds on such undertaking, or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment in writing with regard to such undertaking and its effect upon such sites, and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which such sites are established.

(Pub. L. 96-550, title V, §507, Dec. 19, 1980, 94 Stat. 3230.)

#### Editorial Notes

##### REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (a), probably means the date of enactment of Pub. L. 96-550, which was approved Dec. 19, 1980.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

##### COOPERATIVE AGREEMENTS FOR CURATION AND RESEARCH

Pub. L. 108-413, §4, Oct. 30, 2004, 118 Stat. 2325, provided that: “The Secretary [of the Interior] may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.”

#### § 410ii-7. Authorization of appropriation

Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter but not to exceed \$11,000,000 for acquisition and \$500,000 for development.

(Pub. L. 96-550, title V, §508, Dec. 19, 1980, 94 Stat. 3231.)

#### SUBCHAPTER LIX-H—KALAUPAPA NATIONAL HISTORICAL PARK

#### § 410jj. Establishment

In order to provide for the preservation of the unique nationally and internationally signifi-