

- Sec.
- (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.
 - (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 410tt-3, 460uu-41, 460ccc-3, 460hhh-4, 460iii-5, 460jjj-1, 460ooo-5, 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.].