

**(c) Disposition of penalties collected and items forfeited in cases involving archaeological resources excavated or removed from Indian lands**

In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 470ee of this title involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 470ff of this title and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

(Pub. L. 96-95, §8, Oct. 31, 1979, 93 Stat. 726.)

**§ 470hh. Confidentiality of information concerning nature and location of archaeological resources**

**(a) Disclosure of information**

Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this chapter or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—

- (1) further the purposes of this chapter or chapter 3125 of title 54, and
- (2) not create a risk of harm to such resources or to the site at which such resources are located.

**(b) Request for disclosure by Governors**

Notwithstanding the provisions of subsection (a), upon the written request of the Governor of any State, which request shall state—

- (1) the specific site or area for which information is sought,
- (2) the purpose for which such information is sought,
- (3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation,

the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

(Pub. L. 96-95, §9, Oct. 31, 1979, 93 Stat. 727; Pub. L. 113-287, §5(d)(8), Dec. 19, 2014, 128 Stat. 3265.)

**Editorial Notes**

**AMENDMENTS**

2014—Subsec. (a)(1). Pub. L. 113-287, which directed substitution of “chapter 3125 of title 54” for “the Act of June 27, 1960 (16 U.S.C. 469-469c)” in subsec. (a)(2), was executed by making the substitution in subsec. (a)(1), to reflect the probable intent of Congress.

**§ 470ii. Rules and regulations; intergovernmental coordination**

**(a) Promulgation; effective date**

The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of

the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this chapter. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996 [1996a]). Each uniform rule or regulation promulgated under this chapter shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

**(b) Federal land managers' rules**

Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a), as may be appropriate for the carrying out of his functions and authorities under this chapter.

**(c) Federal land managers' public awareness program of archaeological resources on public lands and Indian lands**

Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources.

(Pub. L. 96-95, §10, Oct. 31, 1979, 93 Stat. 727; Pub. L. 100-588, §1(d), Nov. 3, 1988, 102 Stat. 2983; Pub. L. 103-437, §6(d)(30), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, §814(d)(2)(A), Nov. 12, 1996, 110 Stat. 4196.)

**Editorial Notes**

**REFERENCES IN TEXT**

The American Indian Religious Freedom Act, referred to in subsec. (a), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

**AMENDMENTS**

1996—Subsec. (c). Pub. L. 104-333 struck out at end “Each such land manager shall submit an annual report to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate regarding the actions taken under such program.”

1994—Subsecs. (a), (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1988—Subsec. (c). Pub. L. 100-588 added subsec. (c).

**§ 470jj. Cooperation with private individuals**

The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this chapter, to foster and improve the communication, cooperation, and exchange of information between—

(1) private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this chapter, and

(2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and professional archaeologists and associations of professional archaeologists.

In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this chapter, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

(Pub. L. 96-95, §11, Oct. 31, 1979, 93 Stat. 727.)

#### § 470kk. Savings provisions

##### (a) Mining, mineral leasing, reclamation, and other multiple uses

Nothing in this chapter shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

##### (b) Private collections

Nothing in this chapter applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 470bb(1) of this title.

##### (c) Lands within chapter

Nothing in this chapter shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

(Pub. L. 96-95, §12, Oct. 31, 1979, 93 Stat. 728.)

#### § 470ll. Annual report to Congress

As part of the annual report required to be submitted to the specified committees of the Congress pursuant to section 469a-3(c)<sup>1</sup> of this title, the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this chapter, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this chapter. Such report shall include a brief summary of the actions undertaken by the Secretary under section 470jj of this title, relating to cooperation with private individuals.

(Pub. L. 96-95, §13, Oct. 31, 1979, 93 Stat. 728.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 469a-3 of this title, referred to in text, was repealed and restated as section 312504 of Title 54, Na-

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

tional Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. Prior to repeal of section 469a-3, language in subsec. (c) of that section that required submission of an annual report was struck out by Pub. L. 104-333.

#### § 470mm. Surveying of lands; reporting of violations

The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall—

(a) develop plans for surveying lands under their control to determine the nature and extent of archeological resources on those lands;

(b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archeological resources; and

(c) develop documents for the reporting of suspected violations of this chapter and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.

(Pub. L. 96-95, §14, as added Pub. L. 100-555, Oct. 28, 1988, 102 Stat. 2778.)

### CHAPTER 1C—PALEONTOLOGICAL RESOURCES PRESERVATION

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#### § 470aaa. Definitions

In this chapter:

##### (1) Casual collecting

The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

##### (2) Federal land

The term “Federal land” means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

##### (3) Indian Land

The term “Indian Land” means land 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.