

(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)¹ 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-

¹ 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.

(4) Paleontological resource

The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 470bb(1) of this title;¹ or

(B) any cultural item (as defined in section 3001 of title 25).

(5) Secretary

The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) State

The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(Pub. L. 111-11, title VI, § 6301, Mar. 30, 2009, 123 Stat. 1172.)

§ 470aaa-1. Management**(a) In general**

The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) Coordination

To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this chapter.

(Pub. L. 111-11, title VI, § 6302, Mar. 30, 2009, 123 Stat. 1173.)

§ 470aaa-2. Public awareness and education program

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

(Pub. L. 111-11, title VI, § 6303, Mar. 30, 2009, 123 Stat. 1173.)

§ 470aaa-3. Collection of paleontological resources**(a) Permit requirement****(1) In general**

Except as provided in this chapter, a paleontological resource may not be collected from

Federal land without a permit issued under this chapter by the Secretary.

(2) Casual collecting exception

The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land¹ and this chapter.

(3) Previous permit exception

Nothing in this section shall affect a valid permit issued prior to March 30, 2009.

(b) Criteria for issuance of a permit

The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

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

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) Permit specifications

A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this chapter. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) Modification, suspension, and revocation of permits

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 470aaa-5 of this title or is assessed a civil penalty under section 470aaa-6 of this title.

(e) Area closures

In order to protect paleontological or other resources or to provide for public safety, the Sec-

¹ So in original. A closing parenthesis probably should precede the semicolon.

¹ So in original. Probably should be “lands”.