

Antiquities Act of 1906

or

National and International Monuments and Memorials

(Also called and National Monument Act)

United States Code: **16 USC 431-433**

Title 16--Conservation

Chapter I--National Parks, Military Parks, Monuments, and Seashores

Subchapter LXI--

Sec.

431. National monuments; reservation of lands; relinquishment of private claims.

431a. Limitation on further extension or establishment of national monuments in Wyoming

432. Permits to examine ruins, excavations, and gathering of objects; regulations.

433. American antiquities.

Sec. 431. National monuments; reservation of lands; relinquishment of private claims

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

(June 8, 1906, ch. 3060, Sec. 2, 34 Stat. 225.)

Short Title

Act June 8, 1906, ch. 3060, 34 Stat. 225, which is classified generally to sections 431, 432, and 433 of this title, is popularly known as the ``Antiquities Act of 1906'', and is also known as the ``National Monument Act''.

National Monument Commission

Act Aug. 31, 1954, ch. 1160, 68 Stat. 1029, provided for a Commission to obtain plans and designs for a useful monument to the nation symbolizing to the United States and the world the ideals of a democracy as embodied in the five freedoms (speech, religion, press, assembly, and petition) and to submit such plans to Congress for legislative authorization after approval by the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts, The Commission terminated 30 days after submission of required report which was submitted in 1957 but audit of business was not completed until September 1964.

National Monuments Established Under Presidential Proclamation not listed

Sec. 431a. Limitation on further extension or establishment of national monuments in

Wyoming

No further extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

(Sept. 14, 1950, ch. 950, Sec. 1, 64 Stat. 849.)

CODIFICATION

Section comprises only part of the last sentence of section 1 of act Sept. 14, 1950. The remainder of such section, except that part of the last sentence which repealed sections 406 to 406d of this title, is set out as sections 406d-1 and 451a of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note setout under section 406d-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 406d-1, 406d-2, 406d-3, 406d-5 of this title.

432. Permits to examine ruins, excavations, and gathering of objects; regulations

Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and Army to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this section and sections 431 and 433 of this title.

(June 8, 1906, ch. 3060, Secs. 3, 4, 34 Stat. 225; July 26, 1947, ch. 343, title II, Sec. 205(a), 61 Stat. 501.)

Codification

The last sentence only of this section was derived from section 4 of act June 8, 1906, the remainder being from section 3.

Change of Name

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

Transfer of Functions

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with permits issued under sections 431, 432 and 433 of this title and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with removal of objects of antiquity under sections 431, 432, and 433 with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, Secs. 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

Secretary of the Air Force

For transfer of certain functions relating to real property under jurisdiction of Department of the Air Force, to Secretary of the Air Force from Secretary of the Army, see Secretary of Defense Transfer Order No. 14 [Sec. 2(25)], eff. July 1, 1948.

Section Referred to in Other Sections

This section is referred to in sections 410mm, 434, 470cc, 470dd, 698w, 1133 of this title; title 20 section 78a; title 43 section 1714.

Sec. 433. American antiquities

Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than \$500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

(June 8, 1906, ch. 3060, Sec. 1, 34 Stat. 225.)

Transfer of Functions

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with permits issued under sections 431, 432, and 433 of this title and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with removal of objects of antiquity under sections 431, 432, and 433 with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, Secs. 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

Section Referred to in Other Sections

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433a-433n not included here, as they deal with individual parks, monuments, etc.

On December 28, 1906, the Secretaries of Agriculture, Interior and War issued the following uniform rules and regulations to implement the permit granting provisions of this act.

UNIFORM RULES AND REGULATIONS

The following uniform rules and regulations are prescribed by the Secretaries of the Interior, Agriculture, and War to carry out the provisions of the Act for the preservation of American antiquities, approved June 8, 1906 (34 Sta. 225; 16 U.S.C. 432-433).

1. Jurisdiction over ruins, archeological sites, historic and prehistoric monuments and structures, objects of antiquity, historic landmarks, and other objects of historic or scientific interest, shall be exercised under the Act by the respective Departments as follows:
By the Secretary of Agriculture over lands within the exterior limits of forest reserves, by the Secretary of War over lands within the exterior limits of military reservations, by the Secretary of the Interior over all other lands owned or controlled by the Government of the United States, provided the Secretaries of War and Agriculture may, by agreement, cooperate with the Secretary of the Interior in the supervision of such monuments and objects covered by the Act of June 8, 1906, as may be located on lands near or adjacent to forest reserves and military reservations respectively.
2. No permit for the removal of any ancient monument or structure which can be permanently preserved under the control of the United States in situs, and remain an object of interest, shall be granted.
3. Permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity will be granted, by the respective Secretaries having jurisdiction, to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or to their duly authorized agents.
4. No exclusive permit shall be granted for a larger area than the applicant can reasonably be expected to explore fully and within the time limit named in the permit.
5. Each application for a permit should be filed with the Secretary having jurisdiction, and must be accompanied by a definite outline of the proposed work, indicating the name of the institution making the request, the date proposed for beginning the field work, the length of time proposed to be devoted to it, and the person who will have immediate charge of the work. The application must also contain an exact statement of the character of the work, whether examination, excavation, or gathering, and the public museum in which the collections made under the permit are to be permanently preserved. The application must be accompanied by a sketch plan or description of the particular site or area to be examined, excavated, or search so definite that it can be located on the map with reasonable accuracy.
6. No permit will be granted for a period of more than three years, but if the work has been diligently prosecuted under the permit, the time may be extended for proper cause upon application.
7. Failure to begin work under a permit within 6 months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void without any order or proceeding by the Secretary having jurisdiction.
8. Applications for permits shall be referred to the Smithsonian Institution for recommendations.
9. Every permit shall be in writing and copies shall be transmitted to the Smithsonian Institution and the field officer in charge of the land involved. The permittee will be furnished with a copy of these rules and regulations.
10. At the close of each season's field work, the permittee shall report in duplicate to the Smithsonian Institution, in such form as its Secretary may prescribe, and shall prepare in duplicate a catalog of the collections and of the photographs made during the season, indicating therein such material, if any, as may be available for exchange.

11. Institutions and persons receiving permits for excavation shall, after the completion of the work, restore the lands, to the satisfaction of the field officer in charge.
12. All permits shall be terminable at the discretion of the Secretary having jurisdiction.
13. The field officer in charge of land owned or controlled by the Government of the United States shall, from time to time, inquire and report as to the existence, on or near such lands, of ruins and archeological sites, historic or prehistoric ruins, or monuments, objects of antiquity, historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.
14. The field officer in charge may at all times examine the permit of any person or institution claiming privileges granted in accordance with the Act and these rules and regulations, and may fully examine all work done under such permit.
15. All persons duly authorized by the Secretaries of Agriculture War and Interior may apprehend or cause to be arrested, as provided in the Act of February 6, 1905 (33 Stat. 700), any person or persons who appropriate, excavate, injure or destroy any historic or prehistoric ruin or monument, or any object of antiquity on lands under the supervision of the Secretaries of Agriculture, War, Interior, respectively.
16. Any object of antiquity taken, or collection made, on lands owned or controlled by the United States, without permit, as prescribed by the Act and these rules and regulations, or there taken or made, contrary to the terms of the permit, or contrary to the Act and these rules and regulations, may be seized wherever found and at any time by the proper field officer or by any person duly authorized by the Secretary having jurisdiction, and disposed of as the Secretary shall determine, by deposit in the proper national depository or otherwise.
17. Every collection made under the authority of the Act and of these rules and regulations shall be preserved in the public museum designated in the permit and shall be accessible to the public. No such collection shall be removed from such public museum without the written authority of the Secretary of the Smithsonian Institution, and then only to another public museum, where it shall be accessible to the public; and when any public museum, which is a depository of any collection made under the provisions of the Act and these rules and regulations, shall cease to exist, every such collection in such public museum shall there upon revert to the national collections and be placed in the proper national depository.

The foregoing rules and regulations are hereby approved in triplicate and, under authority conferred by the law on the Secretaries of the Interior, Agriculture, and War, are hereby made and established to take effect immediately.

Washington, D.C.
December 28, 1906

E.A. HITCHCOCK,
Secretary of the Interior

JAMES WILSON
Secretary of Agriculture

WM. H. TAFT
Secretary of War