

HB

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YOU BE THE JUDGE

TO ALL MEMBERS OF
THE LEGISLATURE
FROM REPRESENTATIVE
BOB BETTSWORTH

[Public—No. 209.]

An Act For the preservation of American antiquities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 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 five hundred dollars 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.

SEC. 2. That the President of the United States is hereby 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: Provided, That 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 hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

SEC. 3. That permits for the examination of ruins the excavation of archeological 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 War 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.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purposes of carrying out the provisions of this Act.
Approved, June 8, 1906 (34 Stat. L. 225).

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 15, 1979

SUBJECT: Antiquities Act Defense Fund
(Work Order No. 6006)

TO: Representative Charles H. Parr

FROM: Kenneth E. Vassar
Legislative Counsel *KEV*

Enclosed is the appropriation bill you requested appropriating money to the Department of Law to pay for the legal fees of persons who have been charged with or convicted of a crime under the Antiquities Act (46 U.S.C. secs. 431 - 433) on land declared to be national monuments last December by President Carter. I want to bring two changes I have made to your attention. As one of the groups who would be eligible for reimbursement from the department I have included subsistence hunters who have hunted on the withdrawn land for the last three years. The second change is in allowing the department to establish a schedule of "reasonable" legal fees and limiting any payment from the department to the reasonable amount of legal fees incurred in defending against a charge or appealing a conviction under the Antiquities Act. If these changes are not in accord with your thinking on the subject, please let me know.

KEV:jdn

Enclosure