

ANTIQUITIES ACT OF 1906

Citation: 16 U.S.C. §§ 431-433m (2002).

Legislative Purpose:

The purpose of the Antiquities Act of 1906 was to protect objects of historic or scientific interest on public lands.

Summary:

The Antiquities Act was originally passed in response to response to vandalism occurring at the Casa Grande ruins in Arizona. It authorizes the President to designate historic landmarks and structures as national monuments and provides penalties for people who damage these historic sites. Presidents have used the Antiquities Act for decades to set aside valuable public lands, including submerged lands. In general, U.S. courts interpret the President's discretion broadly.

The act has two main components: (1) a criminal enforcement component, which provides for the prosecution of persons who appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity on lands owned or controlled by the United States; and (2) a component that authorizes a permit for the examination of ruins and archaeological sites, and the gathering of objects of antiquity on lands owned or controlled by the U.S.

Historic properties, including shipwrecks, located on public lands were first protected using the Antiquities Act, followed by the Archaeological Resources Protection Act and expansion of the National Historic Preservation Act in 1980. In the marine environment, where the United States has ownership or control of the submerged lands in or on which submerged cultural resources are located, the Antiquities Act permitting provision can be used to regulate salvage. It is possible, however, that its reach may be limited to regulating salvage only in marine protected areas in which the United States has the authority to protect submerged cultural resources.

TITLE 16. CONSERVATION

CHAPTER 1. NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES

NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS

16 U.S.C. §§ 431-433m (2002).

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

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.

§ 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 War [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 Act [[16 USC §§ 431 et seq.](#)].

§ 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 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.

§ 433a. Perry's Victory and International Peace Memorial; establishment

The President of the United States be, and he is hereby, authorized to establish by proclamation the following-described Government lands, together with the Perry's Victory Memorial proper, its approaches, retaining walls, and all buildings, structures, and other property thereon, situated in Put-in-Bay Township, South Bass Island, Ottawa County, Lake Erie, State of Ohio, as the "Perry's Victory and International Peace Memorial National Monument," [Perry's Victory and International Peace Memorial] for the preservation of the historical associations connected therewith, to inculcate the lessons of international peace by arbitration and disarmament, and for the benefit and enjoyment of the people: Commencing at the intersection of the middle line of Delaware Avenue and Chapman Avenue, in the village of Put-in-Bay, and running thence south eighty-eight degrees fifty-nine minutes east in the middle line of said Delaware Avenue, and the same extended four hundred and ninety-five feet to Lake Erie; thence north forty-nine degrees fifty-nine minutes east along said lake shore three hundred and forty-six feet; thence north forty-three degrees fourteen minutes east along said lake shore two hundred and twelve feet; thence north fifty-three degrees thirteen minutes east four hundred feet along said lake shore; thence north forty-six degrees six minutes west about seven hundred and thirty feet to Lake Erie; thence southwesterly and westerly along said lake shore to the middle line, extended, of said Chapman Avenue; thence south one degree thirty minutes west along said middle line, and the same extended, about five hundred and twenty feet to the place of beginning, and containing fourteen and twenty-five one-hundredths acres of land and known as a part of lots numbered 1 and 2, range south of county road, and a part of lot numbered 12, East Point, in South Bass Island, in the township of Put-in-Bay, county of Ottawa, State of Ohio.

§ 433b. Administration, protection, and development

The administration, protection and development of the aforesaid national monument [peace memorial] shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes," as amended [[16 USC §§ 1, 2-4](#)].

§ 433c. Acceptance of donations of lands and funds; acquisition of land

After the said national monument [peace memorial] has been established as provided in section 1 hereof [[16 USC § 433a](#)], the Secretary of the Interior is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property as may be donated for the extension and improvement of the said national monument [peace memorial], and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: Provided, That he may acquire on behalf of the United States out of any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national monument [peace memorial] as may be necessary for the completion thereof. The Secretary of the Interior is authorized to purchase with appropriated funds not to exceed four acres of land, or interests in land, for addition to the Perry's Victory and International Peace Memorial.

§ 433d. [Repealed]

§ 433e. [Repealed]

§ 433f. Inconsistent laws repealed

The provisions of the Act of March 3, 1919 (40 Stat. 1322-1324), and Acts supplemental thereof and amendatory thereto [unclassified] and all other Acts inconsistent with the provisions of this Act [[16 USC §§ 433a](#) et seq.] are repealed to the extent of such inconsistency.

§ 433g. Fort Frederica National Monument; establishment

When title to the site of Fort Frederica, on Saint Simon Island, Georgia, and such other related sites located thereon, as may be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national-monument purposes, shall have been vested in the United States, said area not to exceed two hundred and fifty acres shall be, and is hereby, set apart as a national monument for the benefit and inspiration of the people, and shall be called the "Fort Frederica National Monument."

§ 433h. Donation of property; acquisition of lands

The Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said national monument as determined and fixed hereunder, and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: Provided, That he may acquire on behalf of the United States out of any donated funds, either by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national monument as may be necessary for the completion thereof.

§ 433i. Museum; historical markers

(a) Maintenance; donations. The Secretary of the Interior is authorized, in his discretion, to maintain in some suitable structure within the national monument a museum for relics and records pertaining to Fort Frederica, and for other articles of national and patriotic interest, and in his discretion to accept, on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum.

(b) State and local participation. Any State or political subdivision thereof, organization, or individual may, with the approval of the Secretary of the Interior, erect monuments or place tablets commemorating historic events or persons connected with the history of the area, within the boundaries of the Fort Frederica National Monument.

§ 433j. Administration, protection, and development

The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes," as amended [[16 USC §§ 1](#), 2-4].

§ 433k. Whitman Mission National Historic Site; acquisition of land; establishment, supervision, and maintenance

The Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift, the site of the Indian mission established in 1836 by Marcus Whitman on the Walla Walla River in what is now Walla Walla County, Washington, together with such additional land, including a right-of-way to the nearest highway, as the Secretary may deem necessary to carry out the purposes of this Act [[16 USC §§ 433k](#) et seq.].

The property acquired under the provisions of section 1 of this Act [first paragraph of this section] shall constitute the Whitman National Monument [Whitman Mission National Historic Site] and shall be a public national memorial to Marcus Whitman and his wife, Narcissa Prentiss Whitman, who here established their Indian mission and school, and ministered to the physical and spiritual needs of the Indians until massacred with twelve others [other] persons in 1847. The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have supervision, management, and control of such national monument [historic site], and shall maintain and preserve it for the benefit and enjoyment of the people of the United States.

§ 433l. Erection of monuments and tablets

Any State, or political subdivision thereof, organization, or individual may, with the approval of the Secretary of the Interior, erect monuments or place tablets within the boundaries of the Whitman National Monument [Whitman Mission National Historic Site].

§ 433m. Authorization of appropriation

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [[16 USC §§ 433k](#) and 433l, 433m].