

104TH CONGRESS  
2D SESSION

# H. R. 2943

To provide for the collection of fossils on Federal lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1996

Mr. JOHNSON of South Dakota (for himself and Mr. SKEEN) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the collection of fossils on Federal lands,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fossil Preservation  
5       Act of 1996”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

1           (1) paleontology, as distinct from archaeology,  
2           is the study of prehistoric, nonhuman life and is  
3           most closely allied with geology and biology;

4           (2) the science of paleontology is best served by  
5           unimpeded access to fossils and fossil-bearing rocks  
6           in the field;

7           (3) fossils have scientific, educational, and com-  
8           mercial value;

9           (4) fossils are accessible on Federal lands, but  
10          the few Federal laws or regulations in existence on  
11          the date of enactment of this Act do not provide for  
12          uniform regulations for their collection;

13          (5) access to fossils on Federal lands should be  
14          provided to research scientists, educators, amateur  
15          collectors, and commercial entities under proper  
16          guidelines, but collecting decreases the benefit of  
17          Federal lands for the people of the United States if  
18          the collecting—

19                 (A) separates scientifically unique fossils  
20                 from their geological and paleontological con-  
21                 texts,

22                 (B) removes scientifically unique fossils  
23                 from the realm of public education or scientific  
24                 study, or

1 (C) interferes with ongoing excavation by  
2 researchers engaged in permitted studies or ex-  
3 cavations.

4 (6) scientifically unique fossils, as determined  
5 by the Council, must be deposited in institutions  
6 where there are established research, educational,  
7 and training programs in paleontology.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to secure, for the present and future benefit  
10 of the people of the United States, the protection,  
11 including collection and preservation, of fossils that  
12 are on Federal lands;

13 (2) to provide a uniform national policy on fos-  
14 sil collecting on Federal lands that—

15 (A) enables research scientists, educators,  
16 amateur collectors, and commercial entities to  
17 collect fossils on Federal lands; and

18 (B) facilitates scientific research and edu-  
19 cation in paleontology;

20 (3) encourages the collection and preservation  
21 of fossils from Federal lands in order to reduce the  
22 loss of fossils resulting from erosion and theft; and

23 (4) encourages the identification, preservation  
24 and study of scientifically unique paleontological  
25 specimens and sites on Federal lands in order to in-

1       crease our understanding of the history of life on  
2       earth.

3 **SEC. 3. DEFINITIONS.**

4       For the purposes of this Act:

5           (1) FEDERAL LANDS.—(A) The term “Federal  
6       lands” means the lands, other than wilderness, ad-  
7       ministered by the Bureau of Land Management, the  
8       Forest Service, the United States Fish and Wildlife  
9       Service, the Bureau of Reclamation, and the United  
10      States Army Corps of Engineers.

11          (B) Such term does not include lands held in  
12      trust for the benefit of an Indian tribe or individual  
13      or held by an Indian tribe or individual subject to  
14      a restriction by the United States against alienation,  
15      lands administered by the National Park Service,  
16      lands designated by an Act of Congress as wilder-  
17      ness, and any other Federal lands not specifically in-  
18      cluded by subparagraph (A).

19          (2) FEDERAL LAND MANAGER.—The term  
20      “Federal land manager” means the Secretary of the  
21      department or head of the agency or instrumentality  
22      of the United States.

23          (3) FOSSIL.—The term “fossil” means any nat-  
24      urally occurring remains or trace of plant or animal  
25      life that—

1 (A) lived prior to the Holocene epoch; and

2 (B) is not associated with an archaeologi-  
3 cal resource or a cave resource.

4 (4) **ARCHAEOLOGICAL RESOURCE.**—The term  
5 “archaeological resource” has the meaning given  
6 such term in section 3(1) of the Archaeological Re-  
7 sources Protection Act of 1979 (16 U.S.C.  
8 470bb(1)).

9 (5) **CAVE RESOURCE.**—The term “cave re-  
10 source” has the meaning given such term in section  
11 3(5) of the Federal Cave Resources Protection Act  
12 (16 U.S.C. 4302(5)).

13 (6) **COUNCIL.**—The term “Council” means the  
14 National Fossil Council established by section 9.

15 (7) **DIRECTOR.**—The term “Director” means  
16 the Director of the United States Geological Survey.

17 (8) **SUITABLE PALEONTOLOGICAL INSTITU-**  
18 **TION.**—An institution is a suitable paleontological  
19 institution if the institution is a nonprofit public or  
20 private organization, including a college, university,  
21 Federal or State repository, or museum—

22 (A) with a research, educational, or curato-  
23 rial program in paleontology; and

1 (B) with open access to appropriate  
2 records for the specimens collected under these  
3 permits for research and education.

4 **SEC. 4. MANAGEMENT OF FOSSILS ON FEDERAL LANDS.**

5 (a) FEDERAL LANDS OPEN TO FOSSIL COLLECT-  
6 ING.—Except as otherwise provided in this section, all  
7 Federal lands shall be open to fossil collecting, as follows:  
8 all Federal lands shall be open to fossil collecting by recon-  
9 naissance without a permit, except for those lands des-  
10 ignated as requiring such a permit pursuant to subsection  
11 (c)(1)(B), and all Federal lands shall be open to fossil col-  
12 lecting by quarrying pursuant to a permit.

13 (b) DUTY TO MANAGE SEPARATELY FROM ARCHAE-  
14 OLOGICAL RESOURCE.—Each Federal land manager, in  
15 consultation with the Council, shall manage fossils sepa-  
16 rately from archaeological resources, cave resources, and  
17 cultural resources, but in conjunction with the natural re-  
18 sources within the jurisdiction of the Federal land man-  
19 ager.

20 (c) TYPES OF COLLECTING AND WHETHER NOTICE  
21 OR A PERMIT IS REQUIRED.—Collecting fossils from Fed-  
22 eral lands shall be conducted in accordance with the fol-  
23 lowing:

24 (1) RECONNAISSANCE.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraphs (B) and (C), collecting fossils  
3 from the surface is not subject to advance no-  
4 tice to a Federal land manager or the issuance  
5 of a permit. Such collecting is reconnaissance  
6 collecting and—

7 (i) results in surface disturbance of  
8 less than two square meters of the earth;

9 (ii) involves picking up loose speci-  
10 mens on weathered rock surfaces;

11 (iii) may involve the use of simple  
12 hand tools (such as hammers, chisels, pry  
13 bars, and rakes);

14 (iv) does not involve the use of power  
15 tools, explosives, or mechanized equipment  
16 of any kind; and

17 (v) does not pose potential for signifi-  
18 cant disturbance of sites of ongoing sci-  
19 entific research and other important re-  
20 sources, including endangered species, cul-  
21 tural resources, archaeological resources,  
22 cave resources, wilderness, or areas of crit-  
23 ical environmental concern.

24 (B) EXCEPTION.—A permit is required for  
25 reconnaissance collecting from those Federal

1 lands under the jurisdiction of the Federal land  
2 manager which the Federal land manager may  
3 designate in accordance with the guidelines de-  
4 veloped by the Council under section 9. The  
5 Federal land manager shall publish in the Fed-  
6 eral Register notice of each area for which a  
7 permit is required for reconnaissance collecting  
8 and shall post in each such area appropriate  
9 notice of reconnaissance collecting permit re-  
10 quirements.

11 (C) NOTICE BY GROUPS.—Advance notice  
12 of not less than seven days is required for re-  
13 connaissance collecting by groups comprised of  
14 more than 10 persons.

15 (2) QUARRYING.—Fossil collection by quarrying  
16 means the collection of fossils by means other than  
17 reconnaissance collecting. Collecting fossils through  
18 quarrying may only be conducted pursuant to a per-  
19 mit and advance notice.

20 (d) DETERMINATION OF SCIENTIFICALLY UNIQUE.—  
21 The Federal land manager, in consultation with the Chair  
22 of the Council, shall determine whether a fossil is scientif-  
23 ically unique in accordance with regulations promulgated  
24 under section 10, except with respect to commercial per-

1 mits. In the case of a commercial permit, the determina-  
2 tion of scientifically unique shall be made by the Council.

3 (e) APPEALS.—

4 (1) AGENCY PROCESS.—Except as provided by  
5 paragraph (2), administrative appeals of a Federal  
6 land manager’s decision under this Act shall be  
7 made in accordance with the appeals process, if any,  
8 established by the agency concerned.

9 (2) COUNCIL.—An appeal of a Federal land  
10 manager’s decision under this subsection (d) may be  
11 made to the Council in accordance with regulations  
12 promulgated under section 10.

13 **SEC. 5. PERMITS.**

14 (a) GENERAL AUTHORITY.—

15 (1) ISSUANCE.—The Federal land manager  
16 shall issue permits under such terms and conditions  
17 as the Federal land manager may impose—

18 (A) for reconnaissance collecting under  
19 section 4(c)(1) from those lands which the Fed-  
20 eral land manager designates in accordance  
21 with the guidelines developed by the Council  
22 under section 9; and

23 (B) for the discovery, quarrying, and re-  
24 moval of fossils under section 4(c)(2) that are  
25 located on lands under the jurisdiction of the

1 Federal land manager, including activity associ-  
2 ated with such quarrying.

3 (2) LIMITATION.—Commercial permits may not  
4 be issued under this section for the quarrying or re-  
5 moval of a scientifically unique find, as determined  
6 by the Council.

7 (3) PERIOD TO CONSIDER APPLICATION.—Per-  
8 mits shall be issued or denied within a reasonable  
9 time, but no later than 90 days after a permit appli-  
10 cation is received, unless extended by written notice  
11 of the Federal land manager to allow compliance  
12 with this Act.

13 (4) CONTENTS OF PERMIT APPLICATION.—An  
14 application for a permit under this section shall con-  
15 tain—

16 (A) a general description of the area in  
17 which collecting activity is to occur and, when  
18 applicable, the purpose of the proposed quarry;

19 (B) the beginning and ending dates of  
20 work and list of tools for the proposed activity;

21 (C) the identity and qualifications of the  
22 individuals responsible for carrying out the  
23 terms and conditions of the permit;

24 (D) in the case that the permit is for col-  
25 lecting fossils for educational purposes, the

1 agreement of the applicant to the conditions  
2 specified in subsection (b);

3 (E) in the case that the permit is for col-  
4 lecting fossils for scientific purposes, the agree-  
5 ment of the applicant to the conditions specified  
6 in subsection (c);

7 (F) in the case that the permit is for col-  
8 lecting fossils for sale, barter, or exchange, the  
9 agreement of the applicant to the conditions  
10 specified in subsection (d); and

11 (G) the applicant submits in writing quali-  
12 fications and relevant proof of experience that  
13 are in compliance with the guidelines estab-  
14 lished by the Federal land manager and are ap-  
15 propriate for the type of permit applied for.

16 (b) EDUCATIONAL COLLECTING PERMITS.—A permit  
17 for collecting fossils from Federal lands for educational  
18 purposes shall be issued pursuant to an application under  
19 subsection (a) if—

20 (1) the applicant agrees to deposit all scientif-  
21 ically unique fossils, records, and data associated  
22 with such collecting in a suitable paleontological in-  
23 stitution and to carry out the permitted activity pri-  
24 marily for the purpose of public education;

1           (2) the applicant has a letter of agreement from  
2           a suitable paleontological institution; and

3           (3) the Federal land manager determines that  
4           the activity is consistent with any management plan  
5           applicable to the Federal lands concerned.

6           (c) SCIENTIFIC COLLECTING PERMITS.—A permit  
7           for collecting fossils from Federal lands for scientific pur-  
8           poses shall be issued pursuant to an application under  
9           subsection (a) if—

10           (1) the applicant agrees to deposit all scientif-  
11           ically unique fossils, records, and data associated  
12           with such collecting in a suitable paleontological in-  
13           stitution and to carry out the permitted activity pri-  
14           marily for the purpose of scientific research, public  
15           education, or public display;

16           (2) the applicant has a letter of agreement from  
17           a suitable paleontological institution; and

18           (3) the Federal land manager determines that  
19           the activity is consistent with any management plan  
20           applicable to the Federal lands concerned.

21           (d) COMMERCIAL COLLECTING PERMITS.—A permit  
22           for collecting fossils from Federal lands for sale, barter,  
23           or exchange shall be issued pursuant to an application  
24           under subsection (a) if—

25           (1) the applicant agrees—

1 (A) that the fossils to be extracted are for  
2 a commercial purpose;

3 (B) to pay fees established in accordance  
4 with section 6;

5 (C) to deposit the paleontological records  
6 and data associated with the commercial quar-  
7 rying with the United States Geological Survey;

8 (D) to report any unanticipated discoveries  
9 made under the commercial permit to the agen-  
10 cy issuing the permit and that scientifically  
11 unique finds will be property of the United  
12 States and will be deposited in a suitable pale-  
13 ontological institution; and

14 (E) to file a final report with the permit  
15 granting agency describing all quarried mate-  
16 rials;

17 (2) the Federal land manager determines that  
18 the activity is consistent with any management plan  
19 applicable to the Federal lands concerned; and

20 (3) the permit application has been reviewed by  
21 the Federal land manager in consultation with the  
22 Chair of the Council.

23 (e) SUSPENSION AND REVOCATION OF PERMITS.—

24 (1) SUSPENSION.—The Federal land manager  
25 may suspend a permit issued under this section if

1 the Federal land manager determines that the hold-  
2 er of the permit has intentionally violated any of the  
3 terms of the permit or intentionally engaged in an  
4 act for which a civil penalty may be imposed under  
5 section 8.

6 (2) REVOCATION.—The Federal land manager  
7 may revoke a permit issued under this section if the  
8 holder of the permit is assessed a civil penalty under  
9 section 8.

10 (3) PROTECTION OF RIGHTS.—Before suspend-  
11 ing a permit under paragraph (1) or revoking a per-  
12 mit under paragraph (2), the Federal land manager  
13 shall provide the permittee with notice and an oppor-  
14 tunity for a hearing on the record in accordance  
15 with section 554 of title 5, United States Code.

16 (f) PERMITS ISSUED UNDER ANTIQUITIES ACT OF  
17 1906.—

18 (1) NEW PERMITS.—No permit or other per-  
19 mission shall be required under the Act entitled “An  
20 Act for the Preservation of American Antiquities”,  
21 approved June 8, 1906 (16 U.S.C. 431 et seq.), for  
22 any activity for which a permit is issued under this  
23 section.

24 (2) PREVIOUS PERMITS.—Any permit issued  
25 under such Act prior to the date of enactment of

1 this Act shall remain in effect according to the  
2 terms and conditions of the permit. No permit under  
3 this Act shall be required to carry out any activity  
4 under a permit issued under such Act prior to the  
5 date of enactment of this Act. Nothing in this Act  
6 shall be construed to modify or affect a permit is-  
7 sued under such Act prior to the date of enactment  
8 of this Act.

9 **SEC. 6. FEES AND ROYALTIES FOR COMMERCIAL COLLECT-**  
10 **ING.**

11 (a) **GENERAL AUTHORITY.**—The Federal land man-  
12 ager shall establish and collect fees relating to the com-  
13 mercial collection of fossils subject to this Act. The fee  
14 shall be determined by the Secretary on a permit-by-per-  
15 mit basis and shall be sufficient to cover the cost to the  
16 Secretary of issuing a permit under section 5 and shall  
17 be based on the amount of surface disturbance which oc-  
18 curs under the permit and the location of the collection  
19 activity.

20 (b) **ROYALTY.**—A permit for commercial collecting  
21 shall require payment of a royalty on the fair market value  
22 of each fossil removed under the permit. The amount of  
23 the royalty shall be determined by the Council as a per-  
24 centage of the value of the fossil on the basis of what a

1 willing buyer would pay a willing seller in an arms length  
2 transaction.

3 (c) USE OF AMOUNTS COLLECTED.—Amounts col-  
4 lected by a Federal land manager under this section shall  
5 be retained by the Federal land manager and used without  
6 further appropriation in the area with respect to which  
7 the amount was generated for the purpose of carrying out  
8 the paleontological program of the Federal land manager.

9 **SEC. 7. OWNERSHIP AND CUSTODY OF FOSSILS.**

10 (a) IN GENERAL.—Except as provided by subsection  
11 (b), fossils collected pursuant to this Act are the property  
12 of the collector—

13 (1) without restriction if collected under the  
14 provisions of this Act where no permit is required;  
15 and

16 (2) are subject to the terms and conditions  
17 agreed to by the collector in connection with the is-  
18 suance of a permit under this Act if collected pursu-  
19 ant to the permit.

20 (b) EXCEPTION.—Fossils collected pursuant to a  
21 commercial collecting permit under section 5(c) which are  
22 scientifically unique, as determined by the Council, are the  
23 property of the United States and shall be placed into cus-  
24 tody with the Director of the United States Geological  
25 Survey. This paragraph applies with respect to a fossil re-

1 regardless of when the determination of scientifically unique  
2 is made.

3 (c) AUTHORITY OF UNITED STATES TO DISPOSE OF  
4 FOSSILS.—The Director of the United States Geological  
5 Survey may sell, exchange, loan, or donate any fossil  
6 placed into the custody of the Director under subsection  
7 (b).

8 (d) MODIFICATION OR REMOVAL OF RESTRIC-  
9 TIONS.—

10 (1) APPLICATION TO COUNCIL.—The collector  
11 of a fossil pursuant to a permit issued under this  
12 Act may apply to the Council for the modification or  
13 removal of restrictions relating to fossils collected  
14 under this Act.

15 (2) STANDARD.—The Council may modify or  
16 remove the restrictions, as the Council determines  
17 appropriate, if the Council determines that such  
18 modification or removal is necessary to better  
19 achieve an educational or scientific purpose of the  
20 collector.

21 **SEC. 8. CIVIL PENALTIES.**

22 (a) AUTHORITY.—The Federal land manager may as-  
23 sess a civil penalty of more than \$1,000 but not more than  
24 \$100,000 against any person who—

1           (1) willfully violates any provision of this Act,  
2           permit issued under this Act, or rule or regulation  
3           promulgated by the Federal land manager pursuant  
4           to this Act, including quarrying, removing, damag-  
5           ing, or otherwise altering or defacing, or attempting  
6           to quarry, remove, damage, or otherwise alter or de-  
7           face, a fossil located on Federal land in violation of  
8           this Act or a permit issued under this Act;

9           (2) knowingly sells, purchases, exchanges,  
10          transports, receives, or offers to sell, purchase, or  
11          exchange a fossil if the fossil was quarried or re-  
12          moved from Federal lands in violation of paragraph  
13          (1) or in violation of a law, ordinance, or permit in  
14          effect under any other provision of Federal law;

15          (3) submits false, inaccurate, or misleading in-  
16          formation on any application for a permit issued  
17          pursuant to this Act; or

18          (4) fails to make or file any report required by  
19          this Act.

20          (b) MITIGATION OF PENALTY.—The Secretary may  
21          compromise, modify, or remit, with or without conditions,  
22          any civil penalty which may be imposed under this sub-  
23          section.

24          (c) INTEREST.—

1           (1) DATE ACCRUAL BEGINS.—Interest shall ac-  
2        cruce on a civil penalty imposed under this section on  
3        the later of—

4           (A) the date on which the order of the  
5        Federal land manager becomes final, unless an  
6        action for judicial review is brought in accord-  
7        ance with chapters 5 and 7 of title 5, United  
8        States Code; and

9           (B) the date on which a final judgment is  
10       entered pursuant to an action referred to in  
11       subparagraph (A).

12        (2) RATE.—Interest for a period under para-  
13       graph (1) shall be at the rates specified for under-  
14       payments under section 6621 of the Internal Reve-  
15       nue Code of 1986.

16 **SEC. 9. NATIONAL FOSSIL COUNCIL.**

17        (a) ESTABLISHMENT.—The Director of the United  
18       States Geological Survey shall establish a council to be  
19       known as the “National Fossil Council”.

20        (b) DUTIES.—The Council—

21           (1) during the six-month period beginning on  
22       the date of the appointment of the initial members  
23       under subsection (c)(2)—

24           (A) shall develop guidelines and param-  
25       eters for determining “scientifically unique”;

1           (B) shall develop procedures for identifying  
2 specimens as scientifically unique, including  
3 procedures for cases in which the determination  
4 is made during the collection process or after  
5 the removal of the specimen from Federal  
6 lands;

7           (C) shall develop a procedure for advising  
8 the Federal land manager on scientifically  
9 unique fossils upon request of the Federal land  
10 manager;

11           (D) shall develop guidelines for the Federal  
12 land manager to determine which lands to close  
13 for reconnaissance collecting;

14           (E) shall develop procedures for processing  
15 appeals of a Federal land manager's decisions  
16 with respect to the determination of scientif-  
17 ically unique;

18           (F) shall develop guidelines for the mini-  
19 mum acceptable qualifications of collectors for  
20 each type of permit under section 5;

21           (G) shall establish the royalty rate re-  
22 quired by section 6; and

23           (H) may define or provide guidelines for  
24 determining which groups may engage in col-

1 lecting for educational purposes without a per-  
2 mit under section 5(b)(2);

3 (2) provide advice to the Federal land managers  
4 in carrying out this Act;

5 (3) review permit applications rejected pursuant  
6 to section 4(d) on the basis of scientifically unique  
7 fossils;

8 (4) review the procedures by which this Act is  
9 enforced to ensure uniformity of regulation consist-  
10 ent with this Act among Federal land management  
11 agencies; and

12 (5) carry out the other duties required by this  
13 Act.

14 (c) MEMBERSHIP.—

15 (1) IN GENERAL.—The Council shall be com-  
16 posed of seven members, as follows:

17 (A) The Director of the Geological Survey  
18 (or designee), ex officio, who shall serve as the  
19 chair of the Council.

20 (B) One individual appointed by the Direc-  
21 tor, after considering recommendations made by  
22 the United States National Museum.

23 (C) One individual appointed by the Direc-  
24 tor, after considering recommendations made by  
25 the Society of Vertebrate Paleontology.

1 (D) One individual appointed by the Direc-  
2 tor, after considering recommendations made by  
3 the Paleontological Society.

4 (E) One individual who shall be represent-  
5 ative of the Federal land managers, appointed  
6 by the Director after considering recommenda-  
7 tions made by the Secretary of the Interior and  
8 the Secretary of Agriculture.

9 (F) One individual appointed by the Direc-  
10 tor, after considering recommendations made by  
11 the American Association of Paleontological  
12 Suppliers.

13 (G) One individual appointed by the Direc-  
14 tor, after considering recommendations made by  
15 the Mid America Paleontological Societies and  
16 the American Federation of Mineralogical Soci-  
17 eties.

18 (2) INITIAL APPOINTMENTS.—The Director  
19 shall make the appointments of the initial members  
20 within 60 days after the date of enactment of this  
21 Act.

22 (d) TERMS.—

23 (1) IN GENERAL.—Each member appointed  
24 under subsection (c) shall be appointed for a term

1 of five years, except as provided in paragraphs (2)  
2 and (3).

3 (2) TERMS OF INITIAL APPOINTEES.—As des-  
4 ignated by the Director at the time of appointment,  
5 of the members first appointed—

6 (A) two shall be appointed for terms of  
7 three years; and

8 (B) two shall be appointed for terms of  
9 four years.

10 (3) VACANCIES.—Any member appointed to fill  
11 a vacancy occurring before the expiration of the  
12 term for which the member's predecessor was ap-  
13 pointed shall be appointed only for the remainder of  
14 that term. A member may serve after the expiration  
15 of that member's term until a successor has taken  
16 office. A vacancy in the Council shall be filled in the  
17 manner in which the original appointment was  
18 made.

19 (e) BASIC PAY.—Members shall serve without pay,  
20 and members who are full-time officers or employees of  
21 the United States may not receive additional pay, allow-  
22 ances, or benefits by reason of their service on the Council.

23 (f) QUORUM AND VOTE REQUIRED.—

24 (1) IN GENERAL.—Five members of the Council  
25 shall constitute a quorum but a lesser number may

1 hold hearings. Except as provided by paragraph (2),  
2 actions may be taken upon affirmative vote by a ma-  
3 jority decision, a quorum being present.

4 (2) DESIGNATION OF SCIENTIFICALLY  
5 UNIQUE.—(A) Designating a fossil as scientifically  
6 unique in connection with a commercial permit re-  
7 quires an affirmative vote of five members of the  
8 Council.

9 (B) In an appeal of a decision of a Federal land  
10 manager under section 4(d)(2), an affirmative vote  
11 of five members of the Council is required to modify  
12 or reverse the decision.

13 (g) MEETINGS.—The Council shall meet at the call  
14 of the Chair or as otherwise provided by this section.

15 (h) STAFF OF FEDERAL AGENCIES.—Upon request  
16 of the Chair, the head of any Federal department or agen-  
17 cy may detail, on a reimbursable basis, any of the person-  
18 nel of that department or agency to the Council to assist  
19 it in carrying out its duties under this Act.

20 (i) MAILS.—The Council may use the United States  
21 mails in the same manner and under the same conditions  
22 as other departments and agencies of the United States.

23 **SEC. 10. REGULATIONS.**

24 (a) GENERAL REGULATIONS.—

1           (1) ISSUANCE.—Not later than one year after  
2           the date of the enactment of this Act, the Secretary  
3           of the Interior, the Secretary of Agriculture, and the  
4           Secretary of the Army, after consultation with other  
5           Federal land managers and representatives of con-  
6           cerned State agencies, after review and comment by  
7           the Council, and after public notice and hearings,  
8           shall each issue as soon as practicable, such regula-  
9           tions as are appropriate to carry out this Act. Such  
10          regulations shall be as uniform as possible and  
11          where not possible, shall include a list of all in-  
12          stances in which such regulations are not uniform  
13          and the reasons therefor.

14          (2) SUBMISSION TO CONGRESS.—The regula-  
15          tions issued under this Act shall be submitted to the  
16          Committee on Resources of the House of Represent-  
17          atives and the Committee on Energy and Natural  
18          Resources of the Senate and may not take effect be-  
19          fore the expiration of the 90-day period following  
20          the date of submission.

21          (b) LAND MANAGEMENT PLANS.—Each Federal land  
22          manager shall amend management plans as necessary to  
23          conform to this Act and the regulations issued under sub-  
24          section (a).

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