

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5051

To enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2002

Mr. PALLONE (for himself, Mr. HAYWORTH, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Resources, 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 enhance the criminal penalties for illegal trafficking of archaeological resources, 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 “Enhanced Protection  
5        of Our Cultural Heritage Act”.

1 **SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE**  
2 **CRIMES.**

3 (a) ENHANCED PENALTY FOR ILLEGAL TRAF-  
4 FICKING IN ARCHAEOLOGICAL RESOURCES.—Section 6(d)  
5 of the Archaeological Resources Protection Act of 1979  
6 (16 U.S.C. 470ee(d)) is amended by striking “not more  
7 than \$10,000” and all that follows through the end of the  
8 subsection, and inserting “not more than \$100,000, im-  
9 prisoned not more than 10 years, or both.”.

10 (b) ENHANCED PENALTY FOR EMBEZZLEMENT AND  
11 THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section  
12 1163 of title 18, United States Code, is amended by strik-  
13 ing “five years” and inserting “10 years”.

14 (c) ENHANCED PENALTY FOR ILLEGAL TRAF-  
15 FICKING IN NATIVE AMERICAN HUMAN REMAINS AND  
16 CULTURAL ITEMS.—Section 1170 of title 18, United  
17 States Code, is amended—

18 (1) in subsection (a)—

19 (A) by inserting “or attempts to sell, pur-  
20 chase, use for profit, or transport for sale or  
21 profit,” before “human remains”; and

22 (B) by striking “or imprisoned not more  
23 than 12 months, or both, and in the case of a  
24 second or subsequent violation, be fined in ac-  
25 cordance with this title, or imprisoned not more

1           than 5 years” and inserting “imprisoned not  
2           more than 10 years”; and

3           (2) in subsection (b), by striking “imprisoned  
4           not more than one year, or both, and in the case of  
5           a second or subsequent violation, be fined in accord-  
6           ance with this title, imprisoned not more than 5  
7           years” and inserting “imprisoned not more than 10  
8           years”.

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