

107TH CONGRESS
2D SESSION

S. 2598

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

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2002

Mr. LEAHY (for himself, Mr. INOUE, Mrs. CLINTON, Mr. BINGAMAN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 of 2002”.

6 **SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE**
7 **CRIMES.**

8 (a) **ENHANCED PENALTY FOR ILLEGAL TRAF-**
9 **FICKING IN ARCHAEOLOGICAL RESOURCES.**—Section 6(d)
10 of the Archaeological Resources Protection Act of 1979

1 (16 U.S.C. 470ee(d)) is amended by striking “not more
 2 than \$10,000” and all that follows through the end of the
 3 subsection, and inserting “not more than \$100,000, im-
 4 prisoned not more than 10 years, or both.”.

5 (b) ENHANCED PENALTY FOR EMBEZZLEMENT AND
 6 THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section
 7 1163 of title 18, United States Code, is amended by strik-
 8 ing “five years” and inserting “10 years”.

9 (c) ENHANCED PENALTY FOR ILLEGAL TRAF-
 10 FICKING IN NATIVE AMERICAN HUMAN REMAINS AND
 11 CULTURAL ITEMS.—Section 1170 of title 18, United
 12 States Code, is amended—

13 (1) in subsection (a), by striking “or impris-
 14 oned not more than 12 months, or both, and in the
 15 case of a second or subsequent violation, be fined in
 16 accordance with this title, or imprisoned not more
 17 than 5 years” and inserting “imprisoned not more
 18 than 10 years”; and

19 (2) in subsection (b), by striking “imprisoned
 20 not more than one year, or both, and in the case of
 21 a second or subsequent violation, be fined in accord-
 22 ance with this title, imprisoned not more than 5
 23 years” and inserting “imprisoned not more than 10
 24 years”.