

Calendar No. 575

107TH CONGRESS
2^D SESSION**S. 2598****[Report No. 107-258]**

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

SEPTEMBER 9, 2002

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

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. 470cc(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), by striking “or impris-
 19 oned not more than 12 months; or both, and in the
 20 case of a second or subsequent violation, be fined in
 21 accordance with this title; or imprisoned not more
 22 than 5 years” and inserting “imprisoned not more
 23 than 10 years”; and

24 (2) in subsection (b), by striking “imprisoned
 25 not more than one year; or both, and in the case of
 26 a second or subsequent violation, be fined in accord-

1 ance with this title, imprisoned not more than 5
 2 years” and inserting “imprisoned not more than 10
 3 years”.

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Enhanced Protection*
 6 *of Our Cultural Heritage Act of 2002”.*

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

9 (a) *ENHANCED PENALTY FOR ARCHAEOLOGICAL RE-*
 10 *SOURCES.—Section 6(d) of the Archaeological Resources*
 11 *Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended by*
 12 *striking “not more than 10,000” and all that follows*
 13 *through the end of the subsection and inserting “in accord-*
 14 *ance with title 18, United States Code, or imprisoned not*
 15 *more than ten years or both; but if the sum of the commer-*
 16 *cial and archaeological value of the archaeological resources*
 17 *involved and the cost of restoration and repair of such re-*
 18 *sources does not exceed \$500, such person shall be fined in*
 19 *accordance with title 18, United States Code, or imprisoned*
 20 *not more than one year, or both.”.*

21 (b) *ENHANCED PENALTY FOR EMBEZZLEMENT AND*
 22 *THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section*
 23 *1163 of title 18, United States Code, is amended by striking*
 24 *“five years” and inserting “10 years”.*

1 (c) *ENHANCED PENALTY FOR ILLEGAL TRAFFICKING*
2 *IN NATIVE AMERICAN HUMAN REMAINS AND CULTURAL*
3 *ITEMS.*—Section 1170 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “or imprisoned
6 not more than 12 months, or both, and in the case of
7 second or subsequent violation, be fined in accordance
8 with this title, or imprisoned not more than 5 years”
9 and inserting “imprisoned not more than 10 years”;
10 and

11 (2) in subsection (b), by striking “imprisoned
12 not more than one year” and all that follows through
13 the end of the subsection and inserting “imprisoned
14 not more than 10 years, or both; but if the sum of the
15 commercial and archaeological value of the cultural
16 items involved and the cost of restoration and repair
17 of such items does not exceed \$500, such person shall
18 be fined in accordance with this title, imprisoned not
19 more than one year, or both.”.

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