

108TH CONGRESS  
1ST SESSION

# S. 1271

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

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 2003

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

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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 of 2003”.

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

8 (a) ENHANCED PENALTY FOR EMBEZZLEMENT AND  
9 THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section

1 1163 of title 18, United States Code, is amended by strik-  
2 ing “five years” and inserting “10 years”.

3 (b) ENHANCED PENALTY FOR ILLEGAL TRAF-  
4 FICKING IN NATIVE AMERICAN HUMAN REMAINS AND  
5 CULTURAL ITEMS.—Section 1170 of title 18, United  
6 States Code, is amended—

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

13 (2) in subsection (b), by striking “imprisoned  
14 not more than one year” and all that follows  
15 through the end of the subsection and inserting “im-  
16 prisoned not more than 10 years, or both; but if the  
17 sum of the commercial and archaeological value of  
18 the cultural items involved and the cost of restora-  
19 tion and repair of such items does not exceed \$500,  
20 such person shall be fined in accordance with this  
21 title, imprisoned not more than 1 year, or both.”.

22 (c) ENHANCED PENALTY FOR ARCHAEOLOGICAL RE-  
23 SOURCES.—Section 6(d) of the Archaeological Resources  
24 Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended  
25 by striking “not more than \$10,000” and all that follows

1 through the end of the subsection and inserting “in ac-  
2 cordance with title 18, United States Code, imprisoned not  
3 more than 10 years, or both; but if the sum of the com-  
4 mercial and archaeological value of the archaeological re-  
5 sources involved and the cost of restoration and repair of  
6 such resources does not exceed \$500, such person shall  
7 be fined in accordance with title 18, United States Code,  
8 imprisoned not more than 1 year, or both.”.

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