

Subsec. (i). Pub. L. 113-287, §5(d)(6)(B), substituted “section 306108 of title 54” for “section 470f of this title”.

**§ 470dd. Custody of archaeological resources**

The Secretary of the Interior may promulgate regulations providing for—

- (1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this chapter, and
- (2) the ultimate disposition of such resources and other resources removed pursuant to chapter 3125 or chapter 3203 of title 54.

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this chapter.

(Pub. L. 96-95, §5, Oct. 31, 1979, 93 Stat. 724; Pub. L. 113-287, §5(d)(7), Dec. 19, 2014, 128 Stat. 3264.)

AMENDMENTS

2014—Par. (2). Pub. L. 113-287 substituted “chapter 3125 or chapter 3203 of title 54” for “the Act of June 27, 1960 (16 U.S.C. 469-469c) or the Act of June 8, 1906 (16 U.S.C. 431-433)”.

**§ 470ee. Prohibited acts and criminal penalties**

**(a) Unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources**

No person may excavate, remove, damage, or otherwise alter or deface, or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 470cc of this title, a permit referred to in section 470cc(h)(2) of this title, or the exemption contained in section 470cc(g)(1) of this title.

**(b) Trafficking in archaeological resources the excavation or removal of which was wrongful under Federal law**

No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—

- (1) the prohibition contained in subsection (a), or
- (2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

**(c) Trafficking in interstate or foreign commerce in archaeological resources the excavation, removal, sale, purchase, exchange, transportation or receipt of which was wrongful under State or local law**

No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any

archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

**(d) Penalties**

Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both: *Provided, however*, That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$500, such person shall be fined not more than \$20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than \$100,000, or imprisoned not more than five years, or both.

**(e) Effective date**

The prohibitions contained in this section shall take effect on October 31, 1979.

**(f) Prospective application**

Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to an archaeological resource which was in the lawful possession of such person prior to October 31, 1979.

**(g) Removal of arrowheads located on ground surface**

Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

(Pub. L. 96-95, §6, Oct. 31, 1979, 93 Stat. 724; Pub. L. 100-588, §1(b), (c), Nov. 3, 1988, 102 Stat. 2983.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-588, §1(b), inserted “, or attempt to excavate, remove, damage, or otherwise alter or deface” after “deface”.

Subsec. (d). Pub. L. 100-588, §1(c), substituted “\$500” for “\$5,000”.

**§ 470ff. Civil penalties**

**(a) Assessment by Federal land manager**

(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this chapter may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this chapter, taking into account, in addition to other factors—

- (A) the archaeological or commercial value of the archaeological resource involved, and
- (B) the cost of restoration and repair of the resource and the archaeological site involved.