

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty,¹ the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if² found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) Hearings

Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5.

(d) Use of recovered amounts

Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

- (1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.
- (2) To provide educational materials to the public about paleontological resources and sites.
- (3) To provide for the payment of rewards as provided in section 470aaa-7 of this title.

(Pub. L. 111-11, title VI, §6307, Mar. 30, 2009, 123 Stat. 1175.)

§ 470aaa-7. Rewards and forfeiture

(a) Rewards

The Secretary may pay from penalties collected under section 470aaa-5 or 470aaa-6 of this title or from appropriated funds—

- (1) consistent with amounts established in regulations by the Secretary; or
- (2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) Forfeiture

All paleontological resources with respect to which a violation under section 470aaa-5 or

470aaa-6 of this title occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) Transfer of seized resources

The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

(Pub. L. 111-11, title VI, §6308, Mar. 30, 2009, 123 Stat. 1176.)

§ 470aaa-8. Confidentiality

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5 and any other law unless the Secretary determines that disclosure would—

- (1) further the purposes of this chapter;
- (2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and
- (3) be in accordance with other applicable laws.

(Pub. L. 111-11, title VI, §6309, Mar. 30, 2009, 123 Stat. 1176.)

§ 470aaa-9. Regulations

As soon as practical after March 30, 2009, the Secretary shall issue such regulations as are appropriate to carry out this chapter, providing opportunities for public notice and comment.

(Pub. L. 111-11, title VI, §6310, Mar. 30, 2009, 123 Stat. 1177.)

§ 470aaa-10. Savings provisions

Nothing in this chapter shall be construed to—

- (1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784),¹ subchapter 3² of chapter 1007 of title 54, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358) [30 U.S.C. 1201 et seq.], and the Organic Administration Act (16 U.S.C. 478, 482, 551);
- (2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;
- (3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this chapter;
- (4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

¹ So in original. Following provisions probably should be set flush with par. (2).

² So in original. Probably should be "is".

¹ See References in Text note below.

² So in original. Probably should be "subchapter III".

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this chapter; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this chapter.

(Pub. L. 111-11, title VI, §6311, Mar. 30, 2009, 123 Stat. 1177; Pub. L. 113-287, §5(d)(9), Dec. 19, 2014, 128 Stat. 3265.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy Management Act (43 U.S.C. 1701-1784), referred to in par. (1), probably means the Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Surface Mining Control and Reclamation Act of 1977, referred to in par. (1), is Pub. L. 95-87, Aug. 3, 1977, 91 Stat. 445, which is classified generally to chapter 25 (§1201 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 30 and Tables.

The Organic Administration Act, referred to in par. (1), is the popular name for certain provisions of act June 4, 1897, ch. 2, 30 Stat. 34, under the headings "UNDER THE DEPARTMENT OF THE INTERIOR." and "SURVEYING THE PUBLIC LANDS.", which are classified to sections 473 to 475, 477, 478, 479 to 482, and 551 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 473 of this title and Tables.

AMENDMENTS

2014—Par. (1). Pub. L. 113-287, which directed amendment of par. (1) by substituting "subchapter 3 of chapter 1007 of title 54" for "Public Law 94-429 (commonly known as the 'Mining in the Parks Act' (16 U.S.C. 1901 et seq.))", was executed by making the substitution for "Public Law 94-429 (commonly known as the 'Mining in the Parks Act') (16 U.S.C. 1901 et seq.)", to reflect the probable intent of Congress.

§ 470aaa-11. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 111-11, title VI, §6312, Mar. 30, 2009, 123 Stat. 1177.)

CHAPTER 2—NATIONAL FORESTS

SUBCHAPTER I—ESTABLISHMENT AND ADMINISTRATION

Sec.
471. Repealed.
471a. Forest reserves in New Mexico and Arizona restricted.
471b. Repealed.
471c. Lands in California set aside as reserved forest lands.

Sec.
471d. Additional forest reserves in California.
471e. Extension of boundaries of Sequoia National Forest.
471f. Cradle of Forestry in America in Pisgah National Forest; establishment; statement of purposes; publication in Federal Register.
471g. Administration, protection, and development; use of natural resources.
471h. Cooperation with public and private agencies, organizations, and individuals; acceptance of contributions and gifts.
471i. Pinelands National Reserve.
471j. Headwaters Forest and Elk River Property acquisition.
472. Laws affecting national forest lands.
472a. Timber sales on National Forest System lands.
473. Revocation, modification, or vacation of orders or proclamations establishing national forests.
474. Surveys; plats and field notes; maps; effect under Act June 4, 1897.
475. Purposes for which national forests may be established and administered.
476. Repealed.
477. Use of timber and stone by settlers.
478. Egress or ingress of actual settlers; prospecting.
478a. Townsites.
479. Sites for schools and churches.
479a. Conveyance of National Forest System lands for educational purposes.
480. Civil and criminal jurisdiction.
481. Use of waters.
482. Mineral lands; restoration to public domain; location and entry.
482a. Mining rights in Prescott National Forest.
482b. Mount Hood National Forest; mining rights.
482c. Patents affecting forest lands.
482d. Perfection of claims within forest.
482e. Lincoln National Forest; mining rights.
482f. Patents affecting forest lands.
482g. Perfection of claims within forest.
482h. Coronado National Forest; mining rights.
482h-1. Protection of scenic values of forest.
482h-2. Cutting of timber; reservation of patent rights.
482h-3. Perfection of mining claims.
482i. Plumas National Forest; offer of lands; additions; mining rights.
482j. Santa Fe National Forest; mining rights; protection of scenic values.
482k. Patents affecting forest lands.
482l. Perfection of mining claims within forest.
482m. Teton National Forest in Wyoming; additional lands.
482n. Coconino National Forest; mining rights; protection of scenic values.
482n-1. Cutting of timber within forest; reservation of patent rights.
482n-2. Perfection of mining claims within forest.
482n-3. Sedona-Oak Creek area.
482o. Kaibab National Forest; mining rights; protection of scenic values.
482p. Patents affecting lands within forest.
482q. Perfection of mining claims within forest.
483, 484. Repealed.
484a. Exchange of lands in national forests; public schools; deposit of funds by school authority with insufficient exchange land; limitations on use.
485. Exchange of lands in national forests; cutting timber in national forests in exchange for lands therein.
485a. Omitted.
486. Exchange of lands in national forests; reservations of timber, minerals, or easements.
486a to 486w. Omitted.