

etary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

(Pub. L. 111-11, title VI, § 6304, Mar. 30, 2009, 123 Stat. 1173.)

#### **§ 470aaa-4. Curation of resources**

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

(Pub. L. 111-11, title VI, § 6305, Mar. 30, 2009, 123 Stat. 1174.)

#### **§ 470aaa-5. Prohibited acts; criminal penalties**

##### **(a) In general**

A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this chapter;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this chapter; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

##### **(b) False labeling offenses**

A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

##### **(c) Penalties**

A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18 or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18 or imprisoned not more than 2 years, or both.

##### **(d) Multiple offenses**

In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

##### **(e) General exception**

Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to March 30, 2009.

(Pub. L. 111-11, title VI, § 6306, Mar. 30, 2009, 123 Stat. 1174.)

#### **§ 470aaa-6. Civil penalties**

##### **(a) In general**

###### **(1) Hearing**

A person who violates any prohibition contained in an applicable regulation or permit issued under this chapter may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

###### **(2) Amount of penalty**

The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this chapter, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

###### **(3) Multiple offenses**

In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

###### **(4) Limitation**

The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

##### **(b) Petition for judicial review; collection of unpaid assessments**

###### **(1) Judicial review**

Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

###### **(2) Failure to pay**

If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or