

(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”.