§ 470kk. Savings provisions

(a) Mining, mineral leasing, reclamation, and other multiple uses

Nothing in this chapter shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

(b) Private collections

Nothing in this chapter applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 470bb(1) of this title.

(c) Lands within chapter

Nothing in this chapter shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

(Pub. L. 96–95, § 12, Oct. 31, 1979, 93 Stat. 728.)

§ 470*ll*. Annual report to Congress

As part of the annual report required to be submitted to the specified committees of the Congress pursuant to section 469a–3(c) of this title, the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this chapter, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this chapter. Such report shall include a brief summary of the actions undertaken by the Secretary under section 470jj of this title, relating to cooperation with private individuals.

(Pub. L. 96–95, § 13, Oct. 31, 1979, 93 Stat. 728.)

§ 470mm. Surveying of lands; reporting of violations

The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall—

(a) develop plans for surveying lands under their control to determine the nature and extent of archeological resources on those lands;

(b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archeological resources; and

(c) develop documents for the reporting of suspected violations of this chapter and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.

(Pub. L. 96–95, § 14, as added Pub. L. 100–555, Oct. 28, 1988, 102 Stat. 2778.)

CHAPTER 1C—PALEONTOLOGICAL RESOURCES PRESERVATION

Sec.	
470aaa.	Definitions.
470aaa–1.	Management.
470aaa–2.	Public awareness and education program.
470aaa–3.	Collection of paleontological resources.
470aaa–4.	Curation of resources.
470aaa–5.	Prohibited acts; criminal penalties.
470aaa–6.	Civil penalties.
470aaa–7.	Rewards and forfeiture.
470aaa–8.	Confidentiality.
470aaa–9.	Regulations.
470aaa–10.	Savings provisions.
470aaa–11.	Authorization of appropriations.

§ 470aaa. Definitions

In this chapter:

(1) Casual collecting

The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) Federal land

The term ''Federal land'' means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) Indian Land

The term ''Indian Land'' means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) Paleontological resource

The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 470bb(1) of this title;[1] or

(B) any cultural item (as defined in section 3001 of title 25).

(5) Secretary

The term ''Secretary'' means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) State

The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

[1] So in original. A closing parenthesis probably should precede the semicolon.

(Pub. L. 111–11, title VI, § 6301, Mar. 30, 2009, 123 Stat. 1172.)

§ 470aaa–1. Management

(a) In general

The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) Coordination

To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this chapter.

(Pub. L. 111–11, title VI, § 6302, Mar. 30, 2009, 123 Stat. 1173.)

§ 470aaa–2. Public awareness and education program

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

(Pub. L. 111–11, title VI, § 6303, Mar. 30, 2009, 123 Stat. 1173.)

§ 470aaa–3. Collection of paleontological resources

(a) Permit requirement

(1) In general

Except as provided in this chapter, a paleontological resource may not be collected from Federal land without a permit issued under this chapter by the Secretary.

(2) Casual collecting exception

The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land[1] and this chapter.

(3) Previous permit exception

Nothing in this section shall affect a valid permit issued prior to March 30, 2009.

(b) Criteria for issuance of a permit

The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) Permit specifications

A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this chapter. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) Modification, suspension, and revocation of permits

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 470aaa–5 of this title or is assessed a civil penalty under section 470aaa–6 of this title.

(e) Area closures

In order to protect paleontological or other resources or to provide for public safety, the Secretary 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

[1] So in original. Probably should be ''lands''.

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

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

[2] So in original. Probably should be ''is''.

(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] Public Law 94–429 (commonly known as the ''Mining in the Parks Act'') (16 U.S.C. 1901 et seq.), 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;

(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.)

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.

Public Law 94–429 (commonly known as the ''Mining in the Parks Act''), referred to in par. (1), is Pub. L. 94–429, Sept. 28, 1976, 90 Stat. 1342, which is classified principally to chapter 39 (§ 1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title 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

[1] See References in Text note below.

(§ 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.

§ 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.
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.
482*l*. 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.
482*o*. 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.
487. Cutting timber on land added to Siskiyou National Forest.
487a. Cutting timber on lands added to Rogue River National Forest.
488. Establishment of exterior boundaries of national forests.
489. Repealed.
490. Deposits from timber purchasers to defray cost of disposing of debris.
491. Omitted.
492. Earth, stone, and timber for Departments of the Army and Navy, and Government works in Alaska.
493. Omitted.
494. Calaveras Bigtree National Forest.
495. Leases of lands for sanitariums or hotels.
496. Disposition of funds.
497. Use and occupation of lands for hotels, resorts, summer homes, stores, and facilities for industrial, commercial, educational or public uses.
497a. Occupancy and use under permit of lands in Alaska for various purposes; period of permit; size of allotment; prohibitions; termination.
497b. Ski area permits.
497c. Ski area permit rental charge.
497d. Recreation residence fees.
498. Cooperative work agreements: disposal of moneys received; refund of excess; payment from appropriation; conflict of interest.
499. Disposal of money received by or on account of Forest Service; refund of excess and moneys erroneously collected; receipts from permits.
500. Payment and evaluation of receipts to State or Territory for schools and roads; moneys received; projections of revenues and estimated payments.
501. Expenditures from receipts for roads and trails; cooperation with State authorities; evaluation of receipts.
501a. Omitted.
502. Rental of property for Forest Service; forage, care, and housing of animals; storage of vehicles and other equipment; pack stock; loss, damage, or destruction of horses, vehicles, and other equipment.