AN ACT

To repeal Sections 251, 252, 253, 254, 255, and 256 of Chapter 11 of Title 67 of the Trust Territory Code and to enact new sections in lieu thereof to provide for the preservation of the cultures, customs, traditions, and historic places within the Federated States of Micronesia through the establishment of the Institute for Micronesian History and Culture; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Section 251 of Chapter 11 of Title 67 of the Trust Territory Code is hereby repealed, and a new Section 251 is enacted to read as follows:

"Section 251. Declaration of Policy. It is the policy of the Federated States of Micronesia to protect and preserve the diverse cultural heritage of the peoples of Micronesia and, in furtherance of that policy, to assist in the identification and maintenance of those areas, sites, and objects of historical significance within the Federated States of Micronesia."

Section 2. Section 252 of Chapter 11 of Title 67 of the Trust Territory Code is hereby repealed, and a new Section 252 is enacted to read as follows:

"Section 252. Definitions. Whenever used in this Chapter unless the subject matter, context, or sense otherwise requires:

(1) 'Historic property' means sites, structures, buildings, objects, and areas of significance in local history, archeology, or culture.

(2) 'Cultural attribute' means all aspects of local culture, tradition, arts, crafts, all social institutions, forms of expression, and modes of social interaction.

(3) 'Historical artifact' means an object produced by human beings 30 or more years previously."
Section 3. Section 253 of Chapter 11 of Title 67 of the Trust Territory Code is hereby repealed, and a new Section 253 is enacted to read as follows:

"Section 253. The Institute for Micronesian History and Culture Established. The Institute for Micronesian History and Culture (hereinafter referred to as the 'Institute') is hereby established. The Institute shall be staffed with professional and paraprofessional personnel trained in fields relevant to the identification, conservation, and protection of historic properties and cultural attributes within the Federated States of Micronesia through the effective administration of funds from various sources. The activities of the Institute shall be under the supervision of a director who shall be appointed by the President with the advice and consent of the Congress. The director serves at the pleasure of the President. The Institute shall be guided in its undertakings by an advisory panel of not more than 9 persons to be appointed by the President of the Federated States of Micronesia, with the advice and consent of the Congress. Each state of the Federated States of Micronesia shall be represented on the panel and no less than 5 of the panel members shall possess either professional or practical expertise in Micronesian history and culture. Members of the advisory panel shall receive no compensation for their service, but shall be entitled to per diem at standard rates and other expenses incidental to travel when discharging the responsibilities and duties attendant to membership. The Institute shall have the
following powers and duties:

(1) To provide professional assistance to historic and cultural preservation programs in the several states;

(2) To provide professional guidance regarding historic and cultural affairs and recommendations to all levels of government and the agencies thereof, as well as to foreign governments and private businesses operating in Micronesia;

(3) To advise the Executive and Legislative Branches of the national government concerning public and private actions which may affect historic properties or cultural attributes;

(4) To secure and administer grants and contracts for research and other activities promoting the preservation of Micronesian historic properties and cultural attributes;

(5) To prepare and submit a report at least once a year to the President and the Congress of the Federated States of Micronesia setting forth the activities of the Institute during the period since its last report and its plans for the future;

(6) To establish facilities and acquire equipment and supplies as may be necessary for the effective implementation of its mandate, taking all reasonable steps to guard against unnecessary duplication of facilities and materials at the state and national level;

(7) To establish and maintain a national archives for the Federated States of Micronesia at the Community College of Micronesia, to be a depository for documents and other articles.
of historic or cultural significance and to be made available
to scholars and others interested in researching the history
and cultures of the Federated States of Micronesia.

(8) To monitor the activities of the national government
and its agencies and private individuals or groups of
individuals which could have an impact on historic properties or
cultural attributes;

(9) To prepare and promulgate rules, regulations, and
guidelines necessary to the effective implementation of this
Section; and

(10) To engage in such other activities as are not
inconsistent with the purposes of this Chapter."

Section 4. Section 254 of Chapter 11 of Title 67 of the Trust Terri-
tory Code is hereby repealed, and a new Section 254 is enacted to read
as follows:

"Section 254. Procedures.

(1) The national government of the Federated States of
Micronesia and its agencies, as well as agencies or other parties,
public or private, foreign or domestic, operating with the
financial assistance or permission of the national government,
shall submit plans and proposals for any undertaking as early
as is possible to the Institute for its review and shall conduct
such studies or assist the Institute and the appropriate state
preservation program in conducting such studies, as may be
necessary to determine the effects of their undertakings on
historic properties and cultural attributes. Whenever the
Institute is notified or learns of any activity or proposed
activity of the national government of the Federated States of
Micronesia and its agencies, as well as agencies or other parties,
public or private, foreign or domestic, operating with the finan-
cial assistance or permission of the national government which
may have an impact on historic properties or cultural attributes
it shall take all steps reasonable and necessary to determine the
nature and magnitude of the impact such activities are likely to
have on the historic property or cultural attribute. Should the
Institute determine that significant effects are likely, the
Institute shall initiate consultations with the agency or
individual engaging or proposing to engage in the activity, other
concerned agencies, the coordinators of affected state preserva-
tion programs, as well as the public, to clearly identify the
historic properties or cultural attributes subject to impact.
It shall be the goal of the Institute to maximize beneficial
effects and eliminate or mitigate any harmful effects to Micro-
nesian historic properties or cultural attributes. Any agency
or party, public or private, foreign or domestic, operating with
the financial assistance or permission of the national government,
upon receipt of notification that consultation is necessary in
the opinion of the Institute, shall enter into such consultation.
Action on the undertaking which is the subject of consultation
shall be suspended if there is a threat of immediate and
irreparable harms to an historic property or artifact. Any undertaking so suspended shall not be resumed until approval of the undertaking has been given by the President.

(2) If an irresolvable conflict arises between the preservation of historic properties or cultural attributes and the plans of an agency or a party, the Institute and the agency or party concerned shall prepare and submit reports setting forth the facts of the situation and all other relevant facts, opinions, and recommendations to the President of the Federated States of Micronesia. The President shall review both sides of the conflict and prepare a ruling within seven days resolving the conflict, such ruling to be binding on both the Institute and the agency or party.

(3) The President, in reaching a decision, shall take into account the value of the undertaking in question to the economic and general development of the Federated States of Micronesia or to its defense and the value of the historic property or cultural attribute involved to the maintenance of Micronesia's cultural integrity and to the scientific and humanistic understanding of Micronesia's cultures and history.

(4) Upon reaching a decision in any dispute referred to him, the President shall issue a public announcement setting forth the decision and its bases. Such decisions shall be binding on the parties concerned."

Section 5. Section 255 of Chapter 11 of Title 67 of the Trust
TERRITORY Code is hereby repealed, and a new Section 255 is enacted to
read as follows:

"Section 255. Cooperative Agreements. The Institute is
authorized to enter into cooperative agreements with, and to seek
and accept financial, technical, or other assistance from any
agency of the government of the Federated States of Micronesia,
agencies of local or state governments, any educational or
scientific institution, any corporation or foundation, any
private party, or any foreign government and its agencies,
provided such assistance or cooperation is not in conflict with
a specific provision contained in a Compact of Free Association
between the government of the Federated States of Micronesia and
the government of the United States of America. Any agreement
or contract with a foreign government or its agencies shall be
negotiated in conjunction with the Executive Branch of the govern-
ment of the Federated States of Micronesia and consummated only
with the express written permission of the President of the
Federated States of Micronesia."

Section 6. Section 256 of Chapter 11 of Title 67 of the Trust Terri-
tory Code is hereby repealed, and a new Section 256 is enacted to read as
follows:

"Section 256. Destruction, Transportation or Exportation of
Historical Artifacts Prohibited.

(1) No person shall willfully transport any historical
artifacts in interstate or foreign commerce without the express
written permission of the Governor of the state in which such
artifacts were found.

(2) No person shall willfully deface, disfigure, disturb,
or destroy any historic property within the control and juris-
diction of the national government of the Federated States of
Micronesia without the express written permission of the President.

(3) Upon receiving a request for permission to export, deface,
disfigure, disturb, or destroy any historic property or artifact
within the control and jurisdiction of the national government of
the Federated States of Micronesia, the President shall consult
with the Institute to determine the appropriateness of granting
such permission."

Section 7. A new Section 257 of Chapter 11 of Title 67 of the Trust
Territory Code is hereby enacted to read as follows:

"Section 257. Penalties. Any person violating any provision of
Section 256 of this Chapter or the rules and regulations issued
pursuant to authority vested by this Chapter shall be punished by
a fine of no less than $300 nor more than $1,000 for each violation."

Section 8. Effective Date. This act shall become law upon approval by
the President of the Federated States of Micronesia, or upon its becoming
law without such approval.

September 28, 1979

Tosiwo Nakayama
President
Federated States of Micronesia