

**TITLE 26**  
**HISTORICAL SITES AND ANTIQUITIES**

**CHAPTERS**

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**CHAPTER 1**  
**General Provisions**

**SECTIONS**

**§ 101. Declaration of policy.**

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**§ 101. 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.

**Source:** COM PL 3-34 § 1; TT Code 1970, 67 TTC 251; TT Code 1980, 67 TTC 251; PL 1-48 § 1.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**§ 102. Definitions.**

Whenever used in this title, unless the subject matter, context, or sense otherwise requires:

- (1) “Cultural attribute” means all aspects of local culture, tradition, arts, crafts, all social institutions, forms of expression, and modes of social interaction.
- (2) “Historic property” means sites, structures, buildings, objects, and areas of significance in local history, archeology, or culture.
- (3) “Historical artifact” means an object produced by human beings 30 or more years previously.

**Source:** PL 1-48 § 2.

**Editor’s note:** Subsections rearranged in alphabetical order in 1982 edition of this code.

**Cross-reference:** The statutory provisions on Environmental Protection are found in title 25 of this code.

**CHAPTER 2**  
**Institute for Micronesian History and Culture**

**SECTIONS**

- § 201. Authorization.**  
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**§ 201. Authorization.**

The Director of Administrative Services shall oversee 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. As used herein, “Institute” means the Director of Administrative Services or his designee.

**Source:** COM PL 3-34 § 2; COM PL 4-1 § 1; TT Code 1970, 67 TTC 252(part); TT Code 1980, 67 TTC 252(part); PL 1-48 § 3(part); PL 5-21 § 3.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**Editor's note:** Former section 202 on Director and section 203 on Advisory Panel were repealed and sections 204 and 205 were renumbered as sections 202 and 203 by PL 5-21 § 13.

**§ 202. Powers and duties.**

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 private 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;

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(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 title

**Source:** COM PL 3-34 § 2; COM PL 4-1 § 1; TT Code 1970, 67 TTC 252 (part); TT Code 1980, 67 TTC 252 (part), 254; PL 1-48 § 3 (part); renumbered by PL 5-21 § 13.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code. The statutory provisions on the FSM Congress are found in title 3 of this code. The statutory provisions on the College of Micronesia – FSM are found in chapter 4, title 40 of this code.

### **§ 203. Cooperative agreements.**

(1) 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, and 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.

(2) Any agreement or contract with a foreign government or its agencies shall be negotiated in conjunction with the executive branch of the Government of the Federated States of Micronesia and consummated only with the express written permission of the President of the Federated States of Micronesia.

**Source:** COM PL 3-34 § 4; TT Code 1970, 67 TTC 255; TT Code 1980, 67 TTC 255; PL 1-48 § 5; renumbered by PL 5-21 § 13.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code. The statutory provisions on Foreign Relations are found in title 10 of this code.

**CHAPTER 3**  
**Historic Preservation Procedures**

**SECTIONS**

- § 301. Review of historical and cultural effects of Government activity—  
Government information.
- § 302. Institute’s review—Responsibilities of Institute.
- § 303. Institute’s review—Consultations.
- § 304. Institute’s review—Submission to President.
- § 305. President’s ruling.

**§ 301. Review of historical and cultural effects of Government activity —  
Government information.**

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.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**§ 302. Institute’s review—Responsibilities of Institute.**

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 financial 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.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**§ 303. Institute’s review—Consultations.**

(1) 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 preservation programs, as well as the public, to clearly identify the historic properties or cultural attributes subject to impact.

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(2) It shall be the goal of the Institute to maximize beneficial effects and eliminate or mitigate any harmful effects to Micronesian historic properties or cultural attributes.

(3) 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.

(4) Action on the undertaking which is the subject of consultation shall be suspended if there is a threat of immediate and irreparable harm 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.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

### **§ 304. Institute’s review—Submission to President.**

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.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

### **§ 305. President’s ruling.**

(1) 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.

(2) 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.

(3) 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.

**Source:** PL 1-48 § 4 (part).

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**CHAPTER 4**  
**Protection of Artifacts**

**SECTIONS**

**§ 401. Destruction, transportation, or exportation of historical artifacts prohibited.**

**§ 402. Penalties.**

**§ 401. 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 and two-thirds of the legislature 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 jurisdiction of the National Government of the Federated States of Micronesia without the express written permission of the President and the Speaker of the Congress of the Federated States of Micronesia.

(3) Upon receiving a request for permission to export, deface, disfigure, disturb, or destroy any historic property or artifact with the control and jurisdiction of the National Government of the Federated States of Micronesia, the President shall consult with the Institute and the State or States affected and secure the approval of both, prior to granting such requests. Within one year of the Act codified in this section becoming law, the Institute, together with the President, shall make all reasonable efforts to recover and return to the State of origin any and all known historical artifacts, documented or otherwise, which were allowed to be exported out of the Federated States of Micronesia in the past.

**Source:** PL 1-48 § 6; PL 3-76 § 1.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 3 of this code. The statutory provisions on Environmental Protection are found in title 25 of this code.

**§ 402. Penalties.**

Any person violating any provision of section 401 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.

**Source:** COM PL 3-34 § 2; COM PL 4-1 § 1; TT Code 1970, 67 TTC 252 (part); TT Code 1980, 67 TTC 252 (part); PL 1-48 § 7.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code.