§ 312501. Definition

In this chapter, the term "State" includes a State, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.


HISTORICAL AND REVISION NOTES

Revised Section  Source (U.S. Code)  Source (Statutes at Large)

The words "the Trust Territory of the Pacific Islands" are omitted as obsolete. See note at 48 U.S.C. prec. 1681. For continued application of certain laws of the United States in certain cases, see the Covenant to Establish a Commonwealth of the Northern Mariana Islands (48 U.S.C. 1801 note), the Compact of Free Association between the United States and the Federated States of Micronesia (48 U.S.C. 1801 note), and the Compact of Free Association between the Government of the United States in the Northern Mariana Islands.


HISTORICAL AND REVISION NOTES

Revised Section  Source (U.S. Code)  Source (Statutes at Large)

§ 312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects

(a) Activity of Federal agency.—

(1) Notification of Secretary.—When any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, the agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity.

(2) Recovery, protection, and preservation of data.—The agency—

(A) may request the Secretary to undertake the recovery, protection, and preservation of the data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from the investigation); or

(B) may, with funds appropriated for the project, program, or activity, undertake those activities.

(3) Availability of reports.—Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) Activity of Private Person, Association, or Public Entity.—

(1) Recovery by Secretary.—When any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if the Secretary determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may, with funds appropriated expressly for this purpose—

(A) conduct, with the consent of all persons, associations, or public entities having a legal interest in the property, a survey of the affected site; and

(B) undertake the recovery, protection, and preservation of the data (including analysis and publication).

(2) Compensation.—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned land.


HISTORICAL AND REVISION NOTES

Revised Section  Source (U.S. Code)  Source (Statutes at Large)

§ 312503. Survey and recovery by Secretary

(a) In General.—The Secretary, on notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data are being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if the Secretary determines that the data are significant and are being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing the project, activity, or program—

(1) conduct or cause to be conducted a survey and other investigation of the areas that are or may be affected; and
§ 312504. Progress reports by Secretary on surveys and work undertaken as result of surveys

(a) Progress Reports to Funding or Licensing Agency.—The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under this chapter or of any work undertaken as a result of a survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of the agency. The survey and recovery programs shall terminate at a time agreed on by the Secretary and the head of the agency unless extended by agreement.

(b) Disposition of Relics and Specimens.—The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, private institutions, and qualified individuals, with a view to determining the ownership of, and the most appropriate repository for, any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) Coordination of Activities.—The Secretary shall coordinate all Federal survey and recovery activities authorized under this chapter.

§ 312507. Assistance to Secretary by Federal agencies responsible for construction projects

(a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out this chapter, any Federal agency responsible for a construction project may assist the Secretary or may transfer to the Secretary funds as may be agreed on, but not more than 1 percent of the total amount authorized to be appropriated for the project, except that the 1 percent limitation under this section shall not apply if the cost of the project is $50,000 or less. The costs of the survey, recovery, analysis, and publication shall be deemed nonreimbursable project costs.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for purposes of this section shall remain available until expended.


HISTORICAL AND REVISION NOTES

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In subsection (a), the text of 16 U.S.C. 469c(b) and (c) is omitted as obsolete. The words “cost of the” are added for clarity.

In subsection (b), the words “Beginning fiscal year 1979” are omitted as obsolete.

§ 312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property

Notwithstanding section 312507(a) of this title or any other provision of law—

1. Identification, surveys, and evaluation carried out with respect to historic property within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

2. reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic property within project areas may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit; and

3. Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, may waive, in appropriate cases, the 1 percent limitation under section 312507(a) of this title.


DIVISION C—AMERICAN ANTIQUITIES

CHAPTER 3201—POLICY AND ADMINISTRATIVE PROVISIONS

Sec. 320101. Declaration of national policy.

320102. Powers and duties of Secretary.

320103. Cooperation with governmental and private agencies and individuals.

320104. Jurisdiction of States in acquired land.

320105. Criminal penalties.

320106. Limitation on obligation or expenditure of appropriated amounts.

§ 320101. Declaration of national policy

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.


HISTORICAL AND REVISION NOTES

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NATIONAL HISTORIC SITES


Anselen Wilcox House National Historic Site (see Theodore Roosevelt Inaugural National Historic Site, New York).


