

REFERENCES IN TEXT

The Native American Graves Protection and Repatriation Act, referred to in par. (1), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

The American Indian Religious Freedom Act, referred to in par. (7), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this chapter and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of Title 7, Agriculture.

§ 3052. Definitions

In this chapter:

(1) Adjacent site

The term “adjacent site” means a site that borders a boundary line of National Forest System land.

(2) Cultural items

The term “cultural items” has the meaning given the term in section 3001 of this title, except that the term does not include human remains.

(3) Human remains

The term “human remains” means the physical remains of the body of a person of Indian ancestry.

(4) Indian

The term “Indian” means an individual who is a member of an Indian tribe.

(5) Indian tribe

The term “Indian tribe” means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on a list published by the Secretary of the Interior pursuant to section 479a-1 of this title.

(6) Lineal descendant

The term “lineal descendant” means an individual that can trace, directly and without interruption, the ancestry of the individual through the traditional kinship system of an Indian tribe, or through the common law system of descent, to a known Indian, the human remains, funerary objects, or other sacred objects of whom are claimed by the individual.

(7) National Forest System

The term “National Forest System” has the meaning given the term in section 1609(a) of title 16.

(8) Reburial site

The term “reburial site” means a specific physical location at which cultural items or human remains are reburied.

(9) Traditional and cultural purpose

The term “traditional and cultural purpose”, with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.

(Pub. L. 110-234, title VIII, §8102, May 22, 2008, 122 Stat. 1287; Pub. L. 110-246, §4(a), title VIII, §8102, June 18, 2008, 122 Stat. 1664, 2048.)

CODIFICATION

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§ 3053. Reburial of human remains and cultural items**(a) Reburial sites**

In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.

(b) Reburial

With the consent of the affected Indian tribe or lineal descendant, the Secretary may recover and rebury, at Federal expense or using other available funds, human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

(c) Authorization of use**(1) In general**

Subject to paragraph (2), the Secretary may authorize such uses of reburial sites on National Forest System land, or on the National Forest System land immediately surrounding a reburial site, as the Secretary determines to be necessary for management of the National Forest System.

(2) Avoidance of adverse impacts

In carrying out paragraph (1), the Secretary shall avoid adverse impacts to cultural items and human remains, to the maximum extent practicable.

(Pub. L. 110-234, title VIII, §8103, May 22, 2008, 122 Stat. 1287; Pub. L. 110-246, §4(a), title VIII, §8103, June 18, 2008, 122 Stat. 1664, 2049.)

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