Public Law 98-213
98th Congress

An Act

To authorize $15,500,000 for capital improvement projects on Guam, and for other purposes.

Dec. 8, 1983
[S. 589]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1(a)(1) of Public Law 95-348 (92 Stat. 487) as amended by Public Law 97-357 (96 Stat. 1705) is amended by deleting the word "and" where it last appears, and inserting after the words "fiscal year 1983," the words "and effective October 1, 1983, $15,500,000,".

Guam, capital improvement projects.

SEC. 2. Funds authorized to be appropriated for the construction of a hydroelectric facility in Ponape pursuant to section 101 of Public Law 96-205 (94 Stat. 84), as amended, may be appropriated directly to the Secretary of the Army for expenditure by the Chief of Engineers on such construction.

48 USC 1681 note.

SEC. 3. (a) Section 205(a) of Public Law 96-205, as amended by Public Law 96-597, is further amended by changing "1983." to "1985.".

48 USC 1681 note.

(b) Section 205(c) of Public Law 96-205 (94 Stat. 87) is amended to read as follows: "As provided in section 602 of Public Law 94-241 (90 Stat. 263, 270) the term 'rebate of any taxes' shall, effective January 1, 1985, apply only to the extent taxes have actually been paid pursuant to section 601 of said Act, shall not exceed the amount of tax actually paid for any tax year, and may only be paid following the close of the tax year involved. Notwithstanding any other provision of law, effective January 1, 1985, the Commonwealth of the Northern Mariana Islands shall maintain, as a matter of public record, the name and address of each person receiving such a rebate, together with the amount of the rebate, and the year for which such rebate was made.".

Rebate of any taxes.
48 USC 1681 note.

Effective date.

(c) The Secretary of the Interior and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit a report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on any efforts to develop any needed modification of the income tax rates required by sections 601 and 602 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America approved by Public Law 94-241 (90 Stat. 263, 269-270) to enforce such sections. The initial report shall be transmitted not later than January 1, 1984, with subsequent reports to be transmitted every three months thereafter until January 1, 1985. The reports shall set forth the precise objectives of both the Commonwealth government and the administration, any areas of difference, the modifications under consideration, and what progress has been made to resolve any differences and implement the provisions of sections 601 and 602.

Reports to congressional committees.

48 USC 1681 note.

Objectives.

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SEC. 4. (a) Section 303 of Public Law 97-357 (96 Stat. 1705, 1709) is amended by deleting "grants to" and inserting in lieu thereof "grants or loans to".

48 USC 1574b.

(b) Public Law 94-392 (48 U.S.C. 1574(b)), as amended, is hereby further amended by—

(1) deleting the semicolon in section 2(b)(1) and adding the following: ", except that $28,000,000 of the guaranteed bonding authority will be used for water producing and power projects, including maintenance and overhaul of electrical generating and distribution mechanisms, and $12,000,000 of the guaranteed bonding authority will be used for repair and improvements of the water distribution and storage systems;"; and

(2) in section 2(f), strike "$61,000,000" and insert in lieu thereof "$101,000,000" and in each place where it occurs, strike "1984" and insert in lieu thereof "1990".

SEC. 5. (a) Section 29 of the Revised Organic Act of the Virgin Islands (68 Stat. 509; 48 U.S.C. 1543) is amended to read as follows:

"SEC. 29. All members of the Legislature of the Virgin Islands, the Governor, the Lieutenant Governor, all judges and all officials of the government of the Virgin Islands who report directly to the Governor shall be citizens of the United States.".

48 USC 1423.

(b) Subsection (c) of section 10 of the Organic Act of Guam is further amended by deleting all through "*Provided,* That any" and inserting in lieu thereof "Any".

26 USC 7652.

(c) Section 1906(a)(55) of the Act of October 4, 1976 (90 Stat. 1832), is amended as follows:

(1) in paragraph (B) change the language to be inserted to read "emergency relief purposes and essential public projects"; and

(2) add the following new paragraph (D) to read as follows:

"(D) by amending the second sentence in paragraph (A) by changing the colon after 'determine' to a period and striking the remainder of the sentences.".

48 USC 1561.

(d) Section 3 of the Revised Organic Act of the Virgin Islands (68 Stat. 498), as amended, is further amended by inserting "article VI, clause 3;" after "article IV, section 1 and section 2, clause 1;" and before "the first to ninth amendments".

48 USC 1469a.

SEC. 6. Section 501(d), of Public Law 95-134 (91 Stat. 1159, 1164), as amended, is amended by changing "$100,000" to "$200,000".

48 USC 1492.

SEC. 7. Section 604(d) of Public Law 96-597 (94 Stat. 3477, 3481) is amended by inserting before the period "and may implement any projects or programs contained in recommendations of the plan".

Health care program.
Marshall Islands.
48 USC 1681 note.
Notification to congressional committees.

SEC. 8. The Secretary of the Interior is directed to implement the health care program required by section 106 of Public Law 95-134 (91 Stat. 1159) for the populations of the four atolls in the Marshall Islands identified in such section immediately upon enactment of this section and shall promptly notify the Committee on Interior and Insular Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate if he finds that the populations of other atolls should be included in the program setting forth the basis for his finding and the estimated cost of extension of the program. The Secretary of Energy shall transmit annually to the Committees on Interior and Insular Affairs and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate together with the proposed budget for the next fiscal year, a

Budget and program description, submittal to congressional committees.

description of the program and the estimated costs for implementation together with any recommendations which he may have for improvements in such program.

SEC. 9. Subsection (b) of section 606 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by Public Law 94-241, is amended by striking out "upon termination of the Trusteeship Agreement or" and inserting in lieu thereof "on January 1 of the first calendar year following the termination of the Trusteeship Agreement or upon". 48 USC 1681 note.

SEC. 10. Section 419(a)(2) of the Act of August 23, 1958 (72 Stat. 731, as amended, 49 U.S.C. 1389(a)(2)), is amended by adding at the end thereof the following new subparagraph: 49 USC app. 1389.

"(D) The Board may, after considering the views of any interested community, the territory of Guam and appropriate Federal agencies, determine what is the essential air transportation for Guam without regard to whether it is being served by more than one air carrier holding a certificate issued under section 401 of this title.". 49 USC app. 1371.

SEC. 11. Title III of the Clean Air Act is amended by inserting after section 324 the following new section and renumbering succeeding sections accordingly: 42 USC 7625a, 7626.

"EXEMPTIONS FOR CERTAIN TERRITORIES

"SEC. 325. (a)(1) Upon petition by the governor of Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, the Administrator is authorized to exempt any person or source or class of persons or sources in such territory from any requirement under this Act other than section 112 or any requirement under section 110 or part D necessary to attain or maintain a national primary ambient air quality standard. Such exemption may be granted if the Administrator finds that compliance with such requirement is not feasible or is unreasonable due to unique geographical, meteorological, or economic factors of such territory, or such other local factors as the Administrator deems significant. Any such petition shall be considered in accordance with section 307(d) and any exemption under this subsection shall be considered final action by the Administrator for the purposes of section 307(b). 42 USC 7625-1. 42 USC 7412. 42 USC 7410, 7501. 42 USC 7607.

"(2) The Administrator shall promptly notify the Committees on Energy and Commerce and on Interior and Insular Affairs of the House of Representatives and the Committees on Environment and Public Works and on Energy and Natural Resources of the Senate upon receipt of any petition under this subsection and of the approval or rejection of such petition and the basis for such action. Notification to congressional committees.

"(b) Notwithstanding any other provision of this Act, any fossil fuel fired steam electric power plant operating within Guam as of the date of enactment of this section is hereby exempted from:

"(1) any requirement of the new source performance standards relating to sulfur dioxide promulgated under section 111 as of such date of enactment; and 42 USC 7411.

"(2) any regulation relating to sulfur dioxide standards or limitations contained in a State implementation plan approved under section 110 as of such date of enactment: *Provided*, That such exemption shall expire eighteen months after such date of enactment unless the Administrator determines that such plant is making all emissions reductions practicable to prevent Expiration date. 42 USC 7410.

exceedances of the national ambient air quality standards for sulfur dioxide.".

42 USC 1662a.

SEC. 12. Amendments of, or modifications to, the constitution of American Samoa, as approved by the Secretary of the Interior pursuant to Executive Order 10264 as in effect January 1, 1983, may be made only by Act of Congress.

3 CFR, 1949-1953 Comp., p. 765.

48 USC 1681 note.

SEC. 13. (a) The Secretary of the Army, acting through the Chief of Engineers and in cooperation with the Commonwealth of the Northern Mariana Islands, is hereby authorized and directed to study and draft plans for development, utilization, and conservation of water and related land resources of the Commonwealth. To carry out the purposes of this section there are authorized to be appropriated effective October 1, 1983, such sums as may be necessary.

Appropriation authorization.

Studies.

(b) Such studies shall include appropriate consideration of the needs for flood protection; wise use of flood plain lands; navigation facilities; hydroelectric power generation; regional water supply and waste water management facilities systems; general recreational facilities; enhancement and control of water quality; enhancement and conservation of fish and wildlife; and other measures for environment improvement and economic and human resources development. Such studies shall also be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

7 USC 1446 note.

SEC. 14. Effective with respect to milk marketed for commercial use during the period beginning on December 1, 1983 and ending on May 31, 1984, paragraphs (2) and (3) of section 201(d) of the Agricultural Act of 1949 shall apply only to milk produced in the forty-eight contiguous States.

7 USC 1446.

"Territory."

SEC. 15. (a) Section 1839 of the Revised Statutes (48 U.S.C. 1451) is amended by adding at the end thereof: "As used herein, the term 'Territory' does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.".

(b) Section 1840 of the Revised Statutes (48 U.S.C. 1452) is amended by adding at the end thereof: "As used herein, the term 'Territory' does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.".

Repeals.

SEC. 16. The following provisions of law are repealed:

(a) That portion of section 1 of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year 1916 (March 5, 1915, c. 141, Sec. 1, 38 Stat. 1021) which reads as follows: "Hereafter, the accounts and vouchers relating to the expenditure of the appropriations for government in the Territories shall be transmitted to the Secretary of the Interior for administrative examination and by him passed to the Auditor for the Interior Department for settlement.";

48 USC 1469-1.

48 USC 1488.

(b) Chapter 56 of the Act of April 16, 1880 (21 Stat. 74);

(c) Section 1841 of the Revised Statutes (48 U.S.C. 1453);

(d) Section 1873 of the Revised Statutes (48 U.S.C. 1453a);

(e) Section 1843 of the Revised Statutes (48 U.S.C. 1454);

(f) Section 1844 of the Revised Statutes (48 U.S.C. 1455);

(g) Section 1855 of the Revised Statutes (48 U.S.C. 1457);

(h) Section 1857 of the Revised Statutes (48 U.S.C. 1458);

(i) Section 1858 of the Revised Statutes (48 U.S.C. 1459);

(j) Section 1860 of the Revised Statutes, as amended (48 U.S.C. 1460);

(k) Section 1854 of the Revised Statutes, as amended (48 U.S.C. 1460a);

(l) Section 8 of the Act of March 22, 1882 (22 Stat. 31); 48 USC 1461.

(m) Section 1 of the Act of June 19, 1878 (20 Stat. 193); 48 USC 1462.

(n) Section 1868 of the Revised Statutes (48 U.S.C. 1463);

(o) Section 1864 of the Revised Statutes (48 U.S.C. 1463a);

(p) Section 1 of the Act of April 7, 1874 (18 Stat. 27); 48 USC 1464.

(q) Section 1878 of the Revised Statutes (48 U.S.C. 1465);

(r) That portion of chapter 88 of the Act of May 1, 1876 (19 Stat. 43), which reads as follows: "And hereafter payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath, and shall enter upon the duties of such office in such Territory; and said oath shall hereafter be administered in the Territory in which such office is held."; 48 USC 1466.

(s) Section 1883 of the Revised Statutes (48 U.S.C. 1467);

(t) Section 1884 of the Revised Statutes (48 U.S.C. 1468), as amended by section 304 of chapter 18 of the Act of June 10, 1921 (42 Stat. 24);

(u) Section 1886 of the Revised Statutes (48 U.S.C. 1469), as amended by section 304 of chapter 18 of the Act of June 10, 1921 (42 Stat. 24);

(v) Section 1888 of the Revised Statutes (48 U.S.C. 1470);

(w) Section 1 of chapter 818 of the Act of July 30, 1886 (24 Stat. 170); 48 USC 1471.

(x) Section 4 of chapter 818 of the Act of July 30, 1868 (24 Stat. 171), as amended by chapter 43 of the Act of August 22, 1911 (37 Stat. 33); 48 USC 1472.

(y) Section 3 of chapter 818 of the Act of July 30, 1886 (24 Stat. 171); 48 USC 1473.

(z) Section 2 of chapter 679 of the Act of July 19, 1888 (25 Stat. 336); 48 USC 1474.

(aa) Section 2 of chapter 818 of the Act of July 30, 1886 (24 Stat. 171); 48 USC 1475.

(bb) Chapter 35 of the Act of March 4, 1898 (30 Stat. 252); 48 USC 1476.

(cc) Chapter 820 of the Act of June 6, 1900 (31 Stat. 683); 48 USC 1477.

(dd) Section 6 of chapter 818 of the Act of July 30, 1886 (24 Stat. 171); 48 USC 1478.

(ee) Section 7 of chapter 818 of the Act of July 30, 1886 (24 Stat. 171); 48 USC 1479.

(ff) Chapter 235 of the Act of June 16, 1880 (21 Stat. 277); 48 USC 1481.

(gg) Section 1892 of the Revised Statutes (48 U.S.C. 1482);

(hh) Section 1893 of the Revised Statutes (48 U.S.C. 1483);

(ii) Section 1894 of the Revised Statutes (48 U.S.C. 1484);

(jj) Section 1895 of the Revised Statutes (48 U.S.C. 1485); and

(kk) Chapter 388 of the Act of June 22, 1874 (18 Stat. 135). 48 USC 1487.

SEC. 17. No provision of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States of America by the United States of America shall bar the United States of America from paying compensation to or employing any citizen of the Northern Mariana Islands. Compensation or employment. 48 USC 1681 note.

SEC. 18. No requirement of United States citizenship in any Federal law which provides Federal services or financial assistance and which is applicable to the Northern Mariana Islands by operation of section 502(a)(1) of the Covenant or, if enacted subsequent to March 24, 1976, by its own terms shall bar a citizen of the Northern 48 USC 1681 note. 48 USC 1681 note.

Mariana Islands from receiving services or assistance pursuant to such law.

Citizenship or nationality requirement. 48 USC 1681 note.

SEC. 19. (a) The President may, subject to the provisions of section 20 of this Act, by proclamation provide that the requirement of United States citizenship or nationality provided for in any of the statutes listed on pages 63-74 of the Interim Report of the Northern Mariana Islands Commission on Federal Laws to the Congress of the United States, dated January 1982 and submitted pursuant to section 504 of the Covenant, shall not be applicable to the citizens of the Northern Mariana Islands. The President is authorized to correct clerical errors in the list, and to add to it provisions, where it appears from the context that they were inadvertently omitted from the list.

48 USC 1681 note.

(b) A statute which denies a benefit or imposes a burden or a disability on an alien, his dependents, or his survivors shall, for the purposes of this Act, be considered to impose a requirement of United States citizenship or nationality.

Proclamations, issuance. 48 USC 1681 note.

SEC. 20. (a) The President may issue one or more proclamations under the authority of this Act.

(b) When issuing such proclamation or proclamations the President—

(1) shall take into account:

(i) the hardship suffered by the citizens of the Northern Mariana Islands resulting from the fact that, while they are subject to most of the laws of the United States, they are denied the benefit of those laws which contain a requirement of United States citizenship or nationality;

(ii) the responsibilities, obligations, and limitations imposed upon the United States by international law;

(2) may make the requirement of United States citizenship or nationality inapplicable only to those citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 302 of the Covenant to become a national but not a citizen of the United States;

48 USC 1681 note.

(3) may make the requirement of a United States citizenship or nationality inapplicable only in the Northern Mariana Islands;

(4) may retain the requirement of United States citizenship or nationality with respect to parts of a statute or portion thereof.

48 USC 1681 note.

SEC. 21. If the President does not issue any proclamation authorized by section 19 of this Act within a period of six months following the effective date of the Act, the requirement of United States citizenship or nationality as a prerequisite of any benefit, right, privilege, or immunity in any statute made applicable to the Northern Mariana Islands by the terms of that statute or by operation of the Covenant shall not be applicable to citizens of the Northern Mariana Islands: *Provided*, That the provisions of this section shall not be applicable to any requirements of United States citizenship or nationality contained in statutes relating to the political rights of citizenship, and to the diplomatic protection of, and services to, citizens or nationals of the United States in foreign countries:

Provided further, That with respect to the statutes relating to the uniformed services, the requirement of United States citizenship or nationality shall remain in effect, except with respect to those citizens of the Northern Mariana Islands who declare in writing that they do not intend to exercise their option under section 302 of the Covenant to become a national but not a citizen of the United States.

48 USC 1681 note.

SEC. 22. Nothing in this Act shall be construed as extending to the Northern Mariana Islands any statutory provision or regulation not otherwise applicable to or within the Northern Mariana Islands, in particular the statutes relating to immigration and nationality and the regulations issued under them.

48 USC 1681 note.

SEC. 23. The authority of the President to issue proclamations under section 19 of this Act shall terminate upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1002 of the Covenant. Section 21 of this Act shall not become effective if the Commonwealth of the Northern Mariana Islands is established within the period of six months following the effective date of this Act.

Proclamation issuance, termination.
48 USC 1681 note.
48 USC 1681 note.

SEC. 24. As used in this Act:

48 USC 1681 note.
Definitions.

(a) "Covenant" means the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by the Joint Resolution of March 24, 1976 (90 Stat. 263, 48 U.S.C. 1681, note).

(b) "Citizen of the Northern Mariana Islands" means a citizen of the Trust Territory of the Pacific Islands and his or her children under the age of eighteen years, who does not owe allegiance to any foreign state, and who—

(1) was born in the Northern Mariana Islands and is physically present in the Northern Mariana Islands or in the United States or any territory or possession thereof; or

(2) has been lawfully and continuously domiciled in the Northern Mariana Islands since January 1, 1974, and, who, unless then under age, was registered to vote in an election for the Mariana Islands legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975.

(c) "Domicile" means that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period.

48 USC 1681 note.

SEC. 25. Upon the establishment of the Commonwealth of the Northern Mariana Islands pursuant to section 1002 of the Covenant, the benefits acquired under this Act shall merge without interruption into those to which the recipient is entitled by virtue of his acquisition of United States citizenship, unless the recipient exercises his privilege under section 302 of the Covenant to become a national but not a citizen of the United States.

Approved December 8, 1983.

LEGISLATIVE HISTORY—S. 589:

HOUSE REPORT No. 98-174 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-46 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 129 (1983):
Apr. 7, considered and passed Senate.
Oct. 3, considered and passed House, amended.
Nov. 17, Senate concurred in House amendment with amendments.
Nov. 18, House concurred in Senate amendments.