CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

AMENDMENTS

1980—Pub. L. 96–470 substituted provision requiring the Governor of Guam to include in his report to Congress under section 1422 of this title a report on the administration of this subchapter for provision requiring the Governor of Guam to make an annual report to the Secretary of the Interior on administration of this subchapter, copies of which were to be forwarded to the Speaker of the House of Representatives and the President of the Senate.

§ 1428e. Audit of books and records of agency, or agencies, administering loan funds

The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of Guam administering the plan that are pertinent to the funds received under this subchapter.

(Pub. L. 90–601, § 7, Oct. 17, 1968, 82 Stat. 1173.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

CHAPTER 9—SAMOA, TUTUILA, MANUA, SWAINS ISLAND, AND TRUST TERRITORY OF THE PACIFIC ISLANDS

§§ 1431 to 1440. Transferred

Section 1431, act Mar. 4, 1925, ch. 563, 43 Stat. 1357, which related to sovereignty of United States extended over Swains Island, was transferred to section 1662 of this title.

Section 1431a, acts Feb. 20, 1929, ch. 281, 45 Stat. 1253; May 22, 1929, ch. 6, 46 Stat. 4, which related to islands of Tutuila, Manua, and Eastern Samoa, was transferred to section 1661 of this title.

Section 1432, act June 28, 1906, ch. 3585, 34 Stat. 552, which related to acknowledgment of deeds in the islands of Samoa, was transferred to section 1663 of this title.

Section 1433, act June 14, 1934, ch. 523, 48 Stat. 963, which related to inapplicability of coastwise shipping laws to Samoa, was transferred to section 1664 of this title.

Section 1434, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 457, which related to purchases by governments of Samoa, was transferred to section 1665 of this title.

Section 1435, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to purchases by governments of Pacific Trust Territory, was transferred to section 1682 of this title. Act June 30, 1954, ch. 423, § 1, formerly set out as a note under this section, and which related to continuance of civil government for the Trust Territory, is classified to section 1681 of this title. Section 2 of that act, which provided for annual appropriation authorization, is set out as a note under section 1681 of this title.

Section 1436, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to auditing transactions of Pacific Trust Territory, was transferred to section 1683 of this title.

Section 1437, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to expenditure of funds for administration of Pacific Trust Territory, was transferred to section 1684 of this title.

Section 1438, act July 9, 1952, ch. 597, title I, § 108, 66 Stat. 460, which related to transfer of property or money for administration of Pacific Trust Territory, was transferred to section 1685 of this title.

Section 1439, act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 274, which related to approval by Congress of new activity in Pacific Trust Territory, was transferred to section 1686 of this title and was subsequently omitted from the Code.

Section 1440, Pub. L. 85–77, title I, § 1, July 1, 1957, 71 Stat. 266, which related to expenditure of appropriations for Pacific Trust Territory for aircraft and surface vessels, was transferred to section 1687 of this title.

CHAPTER 10—TERRITORIAL PROVISIONS OF A GENERAL NATURE

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CODIFICATION

The source of most sections of this chapter is the Revised Statutes enacted in 1873 and other early statutes. The Revised Statutes can no longer apply to contiguous territory because no such territory now exists. As to noncontiguous territory, Guam, Puerto Rico, and the Virgin Islands each has its own organic act, providing a complete system of government, legislative, executive, and judicial. The Canal Zone has its own code of laws. The independence of the Philippine Islands was recognized by Proc. No. 2695, eff. July 4, 1946, set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse. The other possessions, such as Samoa, are covered by special provisions set out elsewhere in this title.

§ 1451. Rights of Indians not impaired; boundaries

Nothing in title 23 of the Revised Statutes shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory. As used herein, the term ''Territory'' does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(R.S. § 1839; Pub. L. 98–213, § 15(a), Dec. 8, 1983, 97 Stat. 1462.)

REFERENCES IN TEXT

Title 23 of the Revised Statutes, referred to in text, was in the original ''this Title'', meaning title XXIII of the Revised Statutes, consisting of R.S. §§ 1839 to 1976, and which, insofar as classified to the Code, is classified to sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and to sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§ 1839 to 1976 to the Code, see Tables.

CODIFICATION

R.S. § 1839 derived from N.M., act Sept. 9, 1850, ch. 49, § 2, 9 Stat. 447. Utah, act Sept. 9, 1850, ch. 51, § 1, 9 Stat. 453. Wash., act Mar. 2, 1853, ch. 90, § 1, 10 Stat. 172. Colo., act Feb. 28, 1861, ch. 59, § 1, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 1, 12 Stat. 239. Ariz., act Feb. 24, 1863, ch. 56, § 1, 12 Stat. 664. Idaho, act Mar. 3, 1863, ch. 117, § 1, 12 Stat. 808. Mont., act May 26, 1864, ch. 95, § 1, 13 Stat. 85. Wyo., act July 25, 1868, ch. 235, § 1, 15 Stat. 178.

AMENDMENTS

1983—Pub. L. 98–213 inserted provisions excluding from the term ''Territory'' the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

§ 1452. Regulation of Indians

Nor shall anything in title 23 of the Revised Statutes be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory. As used herein, the term ''Territory'' does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(R.S. § 1840; Pub. L. 98–213, § 15(b), Dec. 8, 1983, 97 Stat. 1462.)

REFERENCES IN TEXT

Title 23 of the Revised Statutes, referred to in text, was in the original ''this Title'', meaning title 23 of the Revised Statutes, consisting of R.S. §§ 1839 to 1976, and which, insofar as classified to the Code, is classified to sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and to sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§ 1839 to 1976 to the Code, see Tables.

CODIFICATION

R.S. § 1840 derived from N.M., act Sept. 9, 1850, ch. 49, § 2, 9 Stat. 447. Utah, act Sept. 9, 1850, ch. 51, § 1, 9 Stat. 453. Wash., act Mar. 2, 1853, ch. 90, § 1, 10 Stat. 172. Colo., act Feb. 28, 1861, ch. 59, § 1, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 1, 12 Stat. 239. Ariz., act Feb. 24, 1863, ch. 56, § 1, 12 Stat. 664. Idaho, act Mar. 3, 1863, ch. 117, § 1, 12 Stat. 808. Mont., act May 26, 1864, ch. 95, § 1, 13 Stat. 85. Wyo., act July 25, 1868, ch. 235, § 1, 15 Stat. 178.

AMENDMENTS

1983—Pub. L. 98–213 inserted provisions excluding from the term ''Territory'' the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

§§ 1453 to 1455. Repealed. Pub. L. 98–213, § 16(c)–(f), Dec. 8, 1983, 97 Stat. 1462

Section 1453, R.S. § 1841, related to powers, duties and term of office of governor of each Territory, in whom the executive power was vested.

Section 1453a, R.S. § 1873, related to temporary definition by proclamation, by governor, of judicial districts of such Territory, and assignment of judges appointed for such Territory to several districts as well as fixing of times and places for holding courts.

Section 1454, R.S. § 1843, related to appointment and term of office of Secretary appointed for each Territory, and duties in case of death, removal, resignation or absence of governor from Territory.

Section 1455, R.S. § 1844, related to duties of secretary regarding recordation, preservation, and publication of all laws and proceedings of legislative assembly and governor in executive department.

§ 1456. Repealed. Sept. 12, 1950, ch. 946, title III, § 301(106), 64 Stat. 844

Section, acts June 20, 1874, ch. 328, § 1, 18 Stat. 99; June 10, 1921, ch. 18, § 215, 42 Stat. 23, made it duty of secretary of each Territory to furnish annual estimates for expenses to Secretary of the Treasury.

§§ 1457 to 1469–1. Repealed. Pub. L. 98–213, § 16(a), (g)–(u), Dec. 8, 1983, 97 Stat. 1462, 1463

Section 1457, R.S. § 1855, prohibited making or enforcement of any law of any Territorial legislature by which the governor, secretary or members or officers of any Territorial legislature are paid any compensation other than that provided by the laws of the United States.

Section 1458, R.S. § 1857, related to appointment or election of all township, district and county officers,

except justices of the peace and general officers of the militia, and the appointment of all other officers by the governor, except in first instance where a new Territory is created, all officers to be appointed by the governor.

Section 1459, R.S. §1858, related to filling of vacancies, during recess of legislative council, of offices which, under organic act of any Territory, were required to be filled by governor with the advice and consent of such council.

Section 1460, R.S. §1860; Mar. 3, 1883, ch. 134, 22 Stat. 567; July 31, 1939, ch. 399, 53 Stat. 1143, related to qualification of voters at all elections subsequent to first election, in any newly created Territory, as well as at all elections in Territories already organized.

Section 1460a, R.S. §1854; Feb. 22, 1889, ch. 180, 25 Stat. 676; Nov. 11, 1889, No. 8, 26 Stat. 1552, 1553, restricted a member of legislative assembly from holding any office created, or salary of which has been increased, by legislature of which he was a member, during term for which he was elected and for one year thereafter.

Section 1461, act Mar. 22, 1882, ch. 47, §8, 22 Stat. 31, prohibited polygamists, bigamists, etc., from voting or holding office in any Territory.

Section 1462, act June 19, 1878, ch. 329, §1, 20 Stat. 193, related to number and compensation of subordinate officers of each branch of Territorial legislature.

Section 1463, R.S. §1868, related to chancery and common-law jurisdiction of supreme and district courts.

Section 1463a, R.S. §1864, related to membership, quorum, and term of office of supreme court of every Territory.

Section 1464, act Apr. 7, 1874, ch. 80, §1, 18 Stat. 27, confirmed right to mingle exercise of common-law and chancery jurisdiction in courts of several Territories, provided no party was deprived of right to trial by jury in cases cognizable at common law.

Section 1465, R.S. §1878, related to oath of office, and certification thereof, by governor, secretary, chief justice, associate justices and all other civil officers.

Section 1466, act May 1, 1876, ch. 88, 19 Stat. 43, related to time when payment of salaries of all officers of the Territories was to commence.

Section 1467, R.S. §1883; Pub. L. 90–578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118, related to fees and costs allowed United States attorneys, marshals, clerks of courts, jurors, etc.

Section 1468, R.S. §1884; June 10, 1921, ch. 18, §304, 42 Stat. 24, prohibited payment of salaries to any officer of a Territory absent therefrom, unless good cause was shown to the President.

Section 1469, R.S. §1886; June 10, 1921, ch. 18, §304, 42 Stat. 24, related to accounts and disbursements of Territories for support of government.

Section 1469–1, act Mar. 4, 1915, ch. 141, §1, 38 Stat. 1021; June 10, 1921, ch. 18, title III, §304, 42 Stat. 24, related to transmittal of accounts and vouchers relating to expenditure of appropriations for government in Territories to Secretary of the Interior for administrative examination and by him to General Accounting Office.

§1469a. Congressional declaration of policy respecting "Insular Areas"

In order to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands (hereafter referred to as "Insular Areas") it is declared to be the policy of the Congress, notwithstanding any provision of law to the contrary, that:

(a) Any department or agency of the Government of the United States which administers any Act of Congress which specifically provides for making grants to any Insular Area under which payments received may be used by such Insular Area only for certain specified purposes (other than direct payments to classes of individuals) may, acting through appropriate administrative authorities of such department or agency, consolidate any or all grants made to such area for any fiscal year or years.

(b) Any consolidated grant for any insular area shall not be less than the sum of all grants which such area would otherwise be entitled to receive for such year.

(c) The funds received under a consolidated grant shall be expended in furtherance of the programs and purposes authorized for any of the grants which are being consolidated, which are authorized under any of the Acts administered by the department or agency making the grant, and which would be applicable to grants for such programs and purposes in the absence of the consolidation, but the Insular Areas shall determine the proportion of the funds granted which shall be allocated to such programs and purposes.

(d) Each department or agency making grants-in-aid shall, by regulations published in the Federal Register, provide the method by which any Insular Area may submit (i) a single application for a consolidated grant for any fiscal year period, but not more than one such application for a consolidated grant shall be required by any department or agency unless notice of such requirement is transmitted to the appropriate committees of the United States Congress together with a complete explanation of the necessity for requiring such additional applications and (ii) a single report to such department or agency with respect to each such consolidated grant: *Provided*, That nothing in this paragraph shall preclude such department or agency from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated grant. The administering authority of any department or agency, in its discretion, may (i) waive any requirement for matching funds otherwise required by law to be provided by the Insular Area involved and (ii) waive the requirement that any Insular Area submit an application or report in writing with respect to any consolidated grant.

(Pub. L. 95–134, title V, §501, Oct. 15, 1977, 91 Stat. 1164; Pub. L. 95–348, §9, Aug. 18, 1978, 92 Stat. 495.)

AMENDMENT OF SUBSECTION (d)

Pub. L. 96–205, title VI, §601, Mar. 12, 1980, 94 Stat. 90, as amended Pub. L. 98–213, §6, Dec. 8, 1983, 97 Stat. 1460; Pub. L. 98–454, title VI, §601(b), Oct. 5, 1984, 98 Stat. 1736, provided that this section shall be applied with respect to the Department of the Interior by substituting "shall" for "may" in the last sentence of subsection (d), and adding the following sentence at the end of subsection (d): "Notwithstanding any other provision of law, in the case of American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands any department or agency shall waive any requirement for local matching funds under $200,000 (including in-kind contributions) required by law to be provided by American Samoa, Guam, the Virgin Islands, or the Northern Mariana Islands."

AMENDMENTS

1978—Pub. L. 95–348, § 9(1), in introductory provision inserted ", notwithstanding any provision of law to the contrary," after "Congress".

Subsec. (a). Pub. L. 95–348, § 9(2), substituted "Any" for "Notwithstanding any provision of law to the contrary, any".

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

MAINTENANCE OR LEVEL OF EFFORT REQUIREMENTS; ADJUSTMENT OR MODIFICATION BY ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY

Pub. L. 99–396, § 12(a), Aug. 27, 1986, 100 Stat. 841, provided that: "In awarding assistance grants, consolidated under the provisions of title V of the Act entitled 'An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts related thereto, and for other purposes' (91 Stat. 1159, as amended) [this section], to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands or the Virgin Islands, the Administrator of the Environmental Protection Agency may, in his discretion, adjust or otherwise modify maintenance or level of effort requirements."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1492 of this title; title 20 section 1070d–34; title 29 section 710.

§ 1469a–1. Full amounts to be covered into treasuries of Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands; reductions prohibited

Pursuant to the terms of the Organic Act of Guam (64 Stat. 384), as amended [48 U.S.C. 1421 et seq.]; the Joint resolution to Approve the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (90 Stat. 263), as amended [48 U.S.C. 1801 et seq.]; the Puerto Rican Federal Relations Act (64 Stat. 319), as amended and supplemented [48 U.S.C. 731 et seq.]; and the Revised Organic Act of the Virgin Islands (86[1] Stat. 497), as amended and supplemented [48 U.S.C. 1541 et seq.] and an Act to authorize appropriations for certain insular areas of the United States, and for other purposes (92 Stat. 487), as amended; there shall be paid into the treasuries of Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands respectively the full amounts which are to be covered into the treasuries of said islands or paid pursuant to said laws as amended and supplemented and such amounts shall not be reduced, notwithstanding Public Law 99–177, Public Law 99–366, or any other provision of law.

(Pub. L. 99–396, § 19(b), Aug. 27, 1986, 100 Stat. 844.)

REFERENCES IN TEXT

The Organic Act of Guam, referred to in text, is act Aug. 1, 1950, ch. 512, 64 Stat. 384, as amended, which is classified generally to chapter 8A (§ 1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

[1] So in original. Probably should be "68".

The Joint resolution to Approve the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, referred to in text, is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I (§ 1801 et seq.) of chapter 17 of this title. For complete classification of this Act to the Code, see Tables.

The Puerto Rican Federal Relations Act, referred to in text, is act Mar. 2, 1917, ch. 145, 39 Stat. 951, as amended, also known as the Jones Act, which is classified principally to chapter 4 (§ 731 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables.

The Revised Organic Act of the Virgin Islands, referred to in text, is act July 22, 1954, ch. 558, 68 Stat. 497, as amended, which is classified principally to chapter 12 (§ 1541 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

The Act to authorize appropriations for certain insular areas of the United States, and for other purposes (92 Stat. 487), as amended, referred to in text, is Pub. L. 95–348, Aug. 18, 1978, 92 Stat. 487. For complete classification of this Act to the Code, see Tables.

Public Law 99–177, referred to in text, is Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1037, as amended, title II of which is known as the "Balanced Budget and Emergency Deficit Control Act of 1985", which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

Public Law 99–366, referred to in text, is Pub. L. 99–366, July 31, 1986, 100 Stat. 773, which is set out as a note under section 902 of Title 2.

§ 1469b. Auditing of transactions of Territorial and local governments

All financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31.

(Pub. L. 104–208, div. A, title I, § 101(d) [title I], Sept. 30, 1996, 110 Stat. 3009–181, 3009–196.)

REFERENCES IN TEXT

Herein provided for, referred to in text, means provided for in the appropriation act cited as the credit to this section.

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriations acts:

Pub. L. 104–134, title I, § 101(c) [title I], Apr. 26, 1996, 110 Stat. 1321–156, 1321–173; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103–332, title I, Sept. 30, 1994, 108 Stat. 2515.

Pub. L. 103–138, title I, Nov. 11, 1993, 107 Stat. 1394.

Pub. L. 102–381, title I, Oct. 5, 1992, 106 Stat. 1392.

Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 1007.

Pub. L. 101–512, title I, Nov. 5, 1990, 104 Stat. 1932.

Pub. L. 101–121, title I, Oct. 23, 1989, 103 Stat. 716.
Pub. L. 100–446, title I, Sept. 27, 1988, 102 Stat. 1797.
Pub. L. 100–202, § 101(g) [title I], Dec. 22, 1987, 101 Stat. 1329–213, 1329–231.
Pub. L. 99–500, § 101(h) [title I], Oct. 18, 1986, 100 Stat. 1783–242, 1783–258, and Pub. L. 99–591, § 101(h) [title I], Oct. 30, 1986, 100 Stat. 3341–242, 3341–258.
Pub. L. 99–190, § 101(d) [title I], Dec. 19, 1985, 99 Stat. 1224, 1238.
Pub. L. 98–473, title I, § 101(c) [title I], Oct. 12, 1984, 98 Stat. 1837, 1851.
Pub. L. 98–146, title I, Nov. 4, 1983, 97 Stat. 931.
Pub. L. 97–394, title I, Dec. 30, 1982, 96 Stat. 1979.
Pub. L. 97–100, title I, Dec. 23, 1981, 95 Stat. 1402.
Pub. L. 96–514, title I, Dec. 12, 1980, 94 Stat. 2969.
Pub. L. 96–126, title I, Nov. 27, 1979, 93 Stat. 965.
Pub. L. 95–465, title I, Oct. 17, 1978, 92 Stat. 1289.

§ 1469c. Availability of services, facilities, and equipment of agencies and instrumentalities of United States; reimbursement requirements

To the extent practicable, services, facilities, and equipment of agencies and instrumentalities of the United States Government may be made available, on a reimbursable basis, to the governments of the territories and possessions of the United States and the Trust Territory of the Pacific Islands. Reimbursements may be credited to the appropriation or fund of the agency or instrumentality through which the services, facilities, and equipment are provided. If otherwise authorized by law, such services, facilities, and equipment may be made available without reimbursement.

(Pub. L. 96–205, title VI, § 603, Mar. 12, 1980, 94 Stat. 90.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

§ 1469d. General technical assistance

(a) Assistance with matters generally within responsibility of governments; methods of assistance

The Secretary of the Interior is authorized to extend to the governments of American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands, and their agencies and instrumentalities, with or without reimbursement, technical assistance on subjects within the responsibility of the respective territorial governments. Such assistance may be provided by the Secretary of the Interior through members of his staff, reimbursements to other departments or agencies of the Federal Government under sections 1535 and 1536 of title 31, grants to or cooperative agreements with such governments, agreements with Federal agencies or agencies of State or local governments, or the employment of private individuals, partnerships, or corporations. Technical assistance may include research, planning assistance, studies, and demonstration projects.

(b) Agricultural plantings and physical facilities, assistance for peoples of Enewetak Atoll and Bikini Atoll

The Secretary of the Interior is further authorized to provide technical assistance to, and maintenance of agricultural plantings and physical facilities for, the peoples from Enewetak Atoll and Bikini Atoll, as well as for the purchase of food and equipment and for the transportation of such food, equipment and persons as he deems necessary and appropriate until such areas produce sufficient food to fully sustain the residents after resettlement. This provision shall not cease to be applicable either before or after the termination of the trusteeship without the express approval of the United States Congress.

(c) Extension of programs administered by Department of Agriculture to Guam, Northern Mariana Islands, etc.

The Secretary of Agriculture is authorized to extend, in his discretion, programs administered by the Department of Agriculture to Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, and American Samoa (hereinafter called the territories). Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to waive or modify any statutory requirements relating to the provision of assistance under such programs when he deems it necessary in order to adapt the programs to the needs of the respective territory: *Provided*, That not less than sixty days prior to extending any program pursuant to this section or waiving or modifying any statutory requirement pursuant to this section, the Secretary of Agriculture shall notify the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate of his proposed action together with an explanation of why his action is necessary and the anticipated benefits to each territory affected. Such programs shall be carried out in cooperation with the respective governments of the territories and shall be covered by a memorandum of understanding between the respective territorial government and the Department of Agriculture. Any sums appropriated pursuant to this paragraph shall be allocated to the agencies of the Department of Agriculture concerned with the administration of programs in the territories.

(d) Authorization of appropriations

Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(Pub. L. 96–597, title VI, § 601, Dec. 24, 1980, 94 Stat. 3479; Pub. L. 103–437, § 17(a)(2), Nov. 2, 1994, 108 Stat. 4595.)

CODIFICATION

In subsec. (a), ''sections 1535 and 1536 of title 31'' substituted in text for ''the Economy Act (31 U.S.C. 686)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' before ''of the House''.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 2033.

§ 1469e. Insular government purchases

The Governments of American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands are authorized to make purchases through the General Services Administration.

(Pub. L. 102–247, title III, § 302, Feb. 24, 1992, 106 Stat. 38.)

PRIOR PROVISIONS

Similar provisions relating to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, were classified to sections 1401f, 1423*l*, 1665, and 1682, respectively, of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

§ 1470. Repealed. Pub. L. 98–213, § 16(v), Dec. 8, 1983, 97 Stat. 1463

Section, R.S. § 1888, prohibited any Territorial legislative assembly from exceeding amount appropriated by Congress for its annual expenses.

§ 1470a. Omitted

CODIFICATION

Section, act Nov. 4, 1983, Pub. L. 98–146, title I, 97 Stat. 931, which provided that appropriations available for administration of Territories could be expended for purchase, etc., of surface vessels for official purposes and for commercial transportation expenses, was from the Department of the Interior and Related Agencies Appropriation Act, 1984, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Dec. 30, 1982, Pub. L. 97–394, title I, 96 Stat. 1979.
Dec. 23, 1981, Pub. L. 97–100, title I, 95 Stat. 1401.
Dec. 12, 1980, Pub. L. 96–514, title I, 94 Stat. 2969.
Nov. 27, 1979, Pub. L. 96–126, title I, 93 Stat. 965.
Oct. 17, 1978, Pub. L. 95–465, title I, 92 Stat. 1289.
July 26, 1977, Pub. L. 95–74, title I, 91 Stat. 295.
July 31, 1976, Pub. L. 94–373, title I, 90 Stat. 1052.
Dec. 23, 1975, Pub. L. 94–165, title I, 89 Stat. 987.
Aug. 31, 1974, Pub. L. 93–404, title I, 88 Stat. 812.
Oct. 4, 1973, Pub. L. 93–120, title I, 87 Stat. 433.
Aug. 10, 1972, Pub. L. 92–369, title I, 86 Stat. 512.
Aug. 10, 1971, Pub. L. 92–76, title I, 85 Stat. 233.
July 31, 1970, Pub. L. 91–361, title I, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91–98, title I, 83 Stat. 151.
July 26, 1968, Pub. L. 90–425, title I, 82 Stat. 430.
June 24, 1967, Pub. L. 90–28, title I, 81 Stat. 63.
May 31, 1966, Pub. L. 89–435, title I, 80 Stat. 174.
June 28, 1965, Pub. L. 89–52, title I, 79 Stat. 179.
July 7, 1964, Pub. L. 88–356, title I, 78 Stat. 278.
July 26, 1963, Pub. L. 88–79, title I, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87–578, title I, 76 Stat. 339.
Aug. 3, 1961, Pub. L. 87–122, title I, 75 Stat. 250.
May 13, 1960, Pub. L. 86–455, title I, 74 Stat. 112.
June 23, 1959, Pub. L. 86–60, title I, 73 Stat. 101.
June 4, 1958, Pub. L. 85–439, title I, 72 Stat. 163.
July 1, 1957, Pub. L. 85–77, title I, 71 Stat. 265.
June 13, 1956, ch. 380, title I, 70 Stat. 264.
June 16, 1955, ch. 147, title I, 69 Stat. 149.
July 1, 1954, ch. 446, title I, 68 Stat. 372.

§§ 1471 to 1479. Repealed. Pub. L. 98–213, § 16(w)–(ee), Dec. 8, 1983, 97 Stat. 1463

Section 1471, act July 30, 1886, ch. 818, § 1, 24 Stat. 170, prohibited legislatures of Territories of the United States from passing local or special laws in certain enumerated cases.

Section 1472, acts July 30, 1886, ch. 818, § 4, 24 Stat. 171; Aug. 22, 1911, ch. 43, 37 Stat. 33, related to limitations on indebtedness of political or municipal corporations and county or other subdivisions in any Territory.

Section 1473, act July 30, 1886, ch. 818, § 3, 24 Stat. 171, limited authority of Territorial legislature to contract any debt by or on behalf of such Territory to certain enumerated cases.

Section 1474, act July 19, 1888, ch. 679, § 2, 25 Stat. 336, related to creation by Territorial legislatures of new counties and location of county seats.

Section 1475, act July 30, 1886, ch. 818, § 2, 24 Stat. 171, prohibited Territorial legislature or political subdivision thereof from subscribing to capital stock of, or loaning its credit to, any incorporated company or association.

Section 1476, act Mar. 4, 1898, ch. 35, 30 Stat. 252, authorized issuance of bonds by chartered municipal corporations for sanitary and health purposes, free of certain debt limitations.

Section 1477, act June 6, 1900, ch. 820, 31 Stat. 683, authorized issuance of bonds by chartered municipal corporations for erection of city buildings, free of certain debt limitations.

Section 1478, act July 30, 1886, ch. 818, § 6, 24 Stat. 171, prohibited construction of any provision to abridge power of Congress from annulling any law of a Territorial legislature, or modifying any existing law of Congress requiring that laws of any Territory be submitted to Congress.

Section 1479, act July 30, 1886, ch. 818, § 7, 24 Stat. 171, declared null and void any acts passed by any Territorial legislature after July 30, 1886, in conflict with specific sections of this title.

§§ 1480 to 1480b. Repealed. Pub. L. 95–584, § 1, Nov. 2, 1978, 92 Stat. 2483

Section 1480, R.S. § 1890, related to right of religious corporations to hold real estate.

Section 1480a, act Mar. 3, 1887, ch. 397, § 26, 24 Stat. 641, related to real estate necessary for use of congregations.

Section 1480b, act Sept. 22, 1950, ch. 986, 64 Stat. 905, related to inapplicability of sections 1480 and 1480a to Alaska.

EFFECT OF REPEAL

Section 2 of Pub. L. 95–584 provided that: ''This repeal [repealing sections 1480 to 1480b of this title] may not be considered or construed as endorsement, support, or permission for any development on or other use of any land in any territory or possession of the United States; nor shall it be evidence of congressional or other intent to confirm title to any lands in said territories or possessions claimed by any association, corporation, or other entity for religious or charitable purposes.''

§§ 1481 to 1485. Repealed. Pub. L. 98–213, § 16(ff)–(jj), Dec. 8, 1983, 97 Stat. 1463

Section 1481, act June 16, 1880, ch. 235, 21 Stat. 277, related to care and custody of convicts.

Section 1482, R.S. § 1892, placed any penitentiary erected or to be erected under care and control of marshal of the United States for Territory or District in which situated.

Section 1483, R.S. § 1893, related to promulgation of rules and regulations by Attorney General of the United States for government of such penitentiaries, and compensation of marshals and their deputies.

Section 1484, R.S. § 1894, related to charging compensation and subsistence and employment expenses of offenders sentenced to imprisonment in such penitentiaries.

Section 1485, R.S. § 1895, related to imprisonment at cost of Territory in such penitentiaries of persons convicted for violation of laws of Territory.

§ 1486. Repealed. Pub. L. 87–826, § 3, Oct. 15, 1962, 76 Stat. 953

Section, acts Apr. 29, 1902, ch. 637, 32 Stat. 172; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; May 17, 1932, ch. 190, 47 Stat. 158; Proc. No. 2695 eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1097; Apr. 7, 1948, ch. 177, 62 Stat. 161, provided that law as to clearance and entry of vessels was applicable to trade between the United States and noncontiguous Territories, etc.

EFFECTIVE DATE OF REPEAL

Repeal of section effective 180 days after Oct. 15, 1962, see section 4 of Pub. L. 87–826.

§§ 1487, 1488. Repealed. Pub. L. 98–213, § 16(b), (kk), Dec. 8, 1983, 97 Stat. 1462, 1463

Section 1487, act June 22, 1874, ch. 388, 18 Stat. 135, related to calling of an extraordinary session of Territorial legislature with approval of President of the United States.

Section 1488, act Apr. 16, 1880, ch. 56, 21 Stat. 74, related to filling of vacancies in office of justice of the peace by appointment or election, until a successor was regularly elected and qualified as provided by law.

§ 1489. Loss of title of United States to lands in territories through adverse possession or prescription forbidden

On and after March 27, 1934, no prescription or statute of limitations shall run, or continue to run, against the title of the United States to lands in any territory or possession or place or territory under the jurisdiction or control of the United States; and no title to any such lands of the United States or any right therein shall be acquired by adverse possession or prescription, or otherwise than by conveyance from the United States.

(Mar. 27, 1934, ch. 99, 48 Stat. 507; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Reference to Philippine Islands omitted in view of independence of Philippines proclaimed by President of United States in Proc. No. 2695, set out under section 1394 of Title 22, Foreign Relations and Intercourse, and issued pursuant to section 1394 of Title 22.

§ 1490. Repealed. Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428

Section, R.S. § 1891, related to application of United States Constitution and laws to all organized Territories and in every Territory subsequently organized. Insofar as Territories of Alaska and Hawaii are concerned, it is covered by sections 23 and 495 of this title.

Act July 1, 1902, ch. 1369, § 1, 32 Stat. 691, which was also cited as a credit to this section, and which was not repealed by the act of Mar. 3, 1933, provided that this section should not apply to the Philippine Islands.

§ 1491. License, permit, etc., for transportation for storage or storage of spent nuclear fuel or high-level radioactive waste; prerequisites; applicability; "territory or possession" defined

(a) Prior to the granting of any license, permit, or other authorization or permission by any agency or instrumentality of the United States to any person for the transportation of spent nuclear fuel or high-level radioactive waste for interim, long-term, or permanent storage to or for the storage of such fuel or waste on any territory or possession of the United States, the Secretary of the Interior is directed to transmit to the Congress a detailed report on the proposed transportation or storage plan, and no such license, permit, or other authorization or permission may be granted nor may any such transportation or storage occur unless the proposed transportation or storage plan has been specifically authorized by Act of Congress: *Provided*, That the provisions of this section shall not apply to the cleanup and rehabilitation of Bikini and Enewetak Atolls.

(b) For the purpose of this section the words ''territory or possession'' include the Trust Territory of the Pacific Islands and any area not within the boundaries of the several States over which the United States claims or exercises sovereignty.

(Pub. L. 96–205, title VI, § 605, Mar. 12, 1980, 94 Stat. 90.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 10103.

§ 1492. Energy resources of Caribbean and Pacific insular areas

(a) Congressional findings

The Congress finds that—

(1) the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau are virtually completely dependent on imported sources of energy;

(2) the dependence of such areas on imported sources of energy coupled with the increasing cost and the uncertain availability and supply of such sources of energy will continue to frustrate the political, social, and economic development of such areas by placing increasingly severe fiscal burdens on the local governments of these areas;

(3) these insular areas are endowed with a variety of renewable sources of energy which, if developed, would alleviate their dependence on imported sources of energy, relieve the fiscal burden on local governments imposed by the costs of imported fuel, and strengthen the

base for political, social, and economic development;

(4) appropriate technologies are presently available to develop the renewable energy resources of these insular areas but that comprehensive energy plans have not been adequately developed to meet the energy demands of these areas from renewable energy resources.

(b) Congressional declaration of policy

The Congress declares that it is the policy of the Federal Government to—

(1) develop the renewable energy resources of the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau; and

(2) to assist other insular areas in the Caribbean and Pacific Basin in the development of their renewable energy resources.

(c) Comprehensive energy plan

The Secretary of Energy or any administrative official who may succeed him shall prepare a comprehensive energy plan with emphasis on indigenous renewable sources of energy for Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands and Palau. The plan shall be prepared with the approval of the Secretary of the Interior and in cooperation with the chief executive officer of each insular area by—

(1) surveying existing sources and uses of energy;

(2) estimating future energy needs to the year 2020, giving due consideration to a range of economic development possibilities;

(3) assessing, in depth, the availability and potential for development of indigenous energy sources, including solar, wind, hydropower, ocean current and tidal, biogas, biofuel, geothermal and ocean thermal energy conversion;

(4) assessing the mix of energy sources (including fossil fuels) and identifying those technologies that are needed to meet the projected demands for energy; and

(5) drafting long-term energy plans for such insular areas with the objective of minimizing their reliance on energy imports and making maximum use of their indigenous energy resources.

(d) Demonstration of cost effective renewable energy technologies

The Secretary of Energy or any administrative official who may succeed him, with the approval of the Secretary of the Interior, as part of the comprehensive energy planning may demonstrate those indigenous renewable energy technologies which are determined to be most cost effective through the use of existing programs and may implement any projects or programs contained in recommendations of the plan.

(e) Submission of comprehensive energy plan to Congress

Within two years from December 24, 1980, the Secretary of Energy or any administrative official who may succeed him shall submit the comprehensive energy plan for each insular area to the Congress.

(f) Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(g) Financial assistance

(1) The Secretary of Energy may grant financial assistance, not to exceed $2,000,000 annually, to insular area governments or private sector persons working in cooperation with insular area governments to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy measures which reduce the dependency of the insular areas on imported fuels, improve the quality of the environment, and promote development in the insular areas.

(2) Any applicant for financial assistance under this subsection must evidence coordination and cooperation with, and support from, the affected local energy institutions.

(3) In determining the amount of financial assistance to be provided for a proposed project, the Secretary shall consider—

(A) whether the measure will reduce the relative dependence of the insular area on imported fuels;

(B) the ease and costs of operation and maintenance of any facilities contemplated as a part of the project;

(C) whether the project will rely on the use of conservation measures or indigenous, renewable energy resources that were identified in the 1982 Territorial Energy Assessment or that are identified by the Secretary as consistent with the purposes of this subsection;

(D) whether the measure will contribute significantly to development and the quality of the environment in the insular area; and

(E) any other factors which the Secretary may determine to be relevant to a particular project.

(4) Notwithstanding the requirements of section 1469a(d) of this title, the Secretary shall require at least 20 percent of the costs of any project under this subsection to be provided from non-Federal sources. Such cost sharing may be in the form of in-kind services, donated equipment, or any combination thereof.

(5) For the purposes of this subsection—

(A) the term ''insular area'' means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Republic of Palau, and the Virgin Islands; and

(B) the term ''1982 Territorial Energy Assessment'' means the comprehensive energy plan prepared by the Secretary of Energy pursuant to subsection (c) of this section.

(Pub. L. 96–597, title VI, § 604, Dec. 24, 1980, 94 Stat. 3480; Pub. L. 98–213, § 7, Dec. 8, 1983, 97 Stat. 1460; Pub. L. 102–486, title XXVII, § 2701, Oct. 24, 1992, 106 Stat. 3118.)

AMENDMENTS

1992—Subsec. (g). Pub. L. 102–486 added subsec. (g).

1983—Subsec. (d). Pub. L. 98–213 inserted ''and may implement any projects or programs contained in recommendations of the plan''.

§ 1493. Prosecution; authorization to seek review; local or Federal appellate courts; decisions, judgments or orders

The prosecution in a territory or Commonwealth is authorized—unless precluded by local law—to seek review or other suitable relief in the appropriate local or Federal appellate court, or, where applicable, in the Supreme Court of the United States from—

(a) a decision, judgment, or order of a trial court dismissing an indictment or information as to any one or more counts, except that no review shall lie where the constitutional prohibition against double jeopardy would further prosecution;

(b) a decision or order of a trial court suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the prosecution certifies to the trial court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding; and

(c) an adverse decision, judgment, or order of an appellate court.

(Pub. L. 98–454, title X, § 1003, Oct. 5, 1984, 98 Stat. 1746.)

EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1494. Purposes

The purposes of sections 1494 to 1494c of this title are to improve enforcement of drug laws and enhance interdiction of illicit drug shipments in the Caribbean and Pacific territories and commonwealths of the United States and the Trust Territory of the Pacific Islands (or successor governments) and to assist public and private sector drug abuse and other substance prevention and treatment programs in United States associated insular areas.

(Pub. L. 99–570, title V, § 5002, Oct. 27, 1986, 100 Stat. 3207–154; Pub. L. 100–690, title IX, § 9308, Nov. 18, 1988, 102 Stat. 4538.)

AMENDMENTS

1988—Pub. L. 100–690 inserted ''and the Trust Territory of the Pacific Islands (or successor governments)'' after ''commonwealths of the United States'', ''and other substance'' before ''prevention'', and ''associated'' before ''insular areas.''.

SHORT TITLE OF 1988 AMENDMENT

Section 9301(a) of Pub. L. 100–690 provided that: ''This subtitle [subtitle D (§§ 9301–9310) of title IX of Pub. L. 100–690, enacting section 1494c of this title and amending this section and sections 1494a and 1494b of this title and section 10603 of Title 42, The Public Health and Welfare] may be cited as the 'Insular Areas Drug Abuse Amendments of 1988'.''

SHORT TITLE

Section 5001 of title V of Pub. L. 99–570 provided that: ''This subtitle [subtitle A (§§ 5001–5004) of title V of Pub. L. 99–570, enacting this section and sections 1494a and 1494b of this title] may be cited as the 'United States Insular Areas Drug Abuse Act of 1986'.''

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1494b of this title.

§ 1494a. Annual reports to Congress

(a) In general

The President shall report annually to the Congress as to—

(1) the efforts and success of Federal agencies in preventing the illegal entry into the United States of controlled substances from the insular areas of the United States outside the customs territory of the United States, the Trust Territory of the Pacific Islands, and states freely associated with the United States and the nature and extent of such illegal entry, and

(2) the efforts and success of Federal agencies in preventing the illegal entry from other nations, including states freely associated with the United States, of controlled substances into the United States territories, the Trust Territory of the Pacific Islands, and the commonwealths for use in the territories, the Trust Territory of the Pacific Islands, and commonwealths or for transshipment to the United States and the nature and extent of such illegal entry and use.

(b) Transmission date

The annual reports required by subsection (a) of this section shall be transmitted to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate not later than the first day of October each year.

(Pub. L. 99–570, title V, § 5003, Oct. 27, 1986, 100 Stat. 3207–155; Pub. L. 100–690, title IX, § 9309, Nov. 18, 1988, 102 Stat. 4539; Pub. L. 103–437, § 17(a)(3), Nov. 2, 1994, 108 Stat. 4595.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' before ''of the United States House''.

1988—Pub. L. 100–690 designated existing provisions as subsec. (a) and inserted heading, inserted '', the Trust Territory of the Pacific Islands,'' before ''and states'' in par. (1) and after ''territories'' in two places in par. (2), and added subsec. (b).

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1494, 1494b of this title.

§ 1494b. Enforcement and administration in insular areas

(a) American Samoa

(1) With the approval of the Attorney General of the United States or his designee, law enforcement officers of the Government of American Samoa are authorized to—

(A) execute and serve warrants, subpoenas, and summons issued under the authority of the United States;

(B) make arrests without warrant; and

(C) make seizures of property to carry out the purposes of sections 1494 to 1494c of this title, the Controlled Substances Import and Export Act (21 U.S.C. 951–970), and any other applicable narcotics laws of the United States.

(2) The Attorney General and the Secretaries of Education and Health and Human Services of the United States, as appropriate, are authorized to and, upon request of the Government of American Samoa, shall—

(A) train law enforcement officers and other personnel of the Government of American Samoa, and

(B) provide by purchase or lease law enforcement equipment and technical assistance to the Government of American Samoa to carry out the purposes of sections 1494 to 1494c of this title and any other Federal or territorial drug or other substance abuse laws.

(3) There are authorized to be appropriated $350,000 for fiscal year 1989 and annually thereafter for grants to the Government of American Samoa to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services to carry out the purposes of sections 1494 to 1494c of this title, to remain available until expended.

(4) The Secretary of the Treasury in consultation with the Secretary of the Interior shall provide the Government of American Samoa with a vessel to be used in the enforcement of narcotics and other laws. There are authorized to be appropriated $500,000 for this purpose.

(b) Guam

(1) The Attorney General and the Secretaries of Education and Health and Human Services of the United States may provide and, upon request of the Government of Guam, shall provide appropriate training, technical assistance and equipment to the Government of Guam to carry out the purposes of sections 1494 to 1494c of this title and any other Federal or territorial drug or other substance abuse law.

(2) There are authorized to be appropriated $500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Guam to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to carry out the purposes of sections 1494 to 1494c of this title, to remain available until expended.

(3) There are authorized to be appropriated to the Government of Guam $500,000 for grants to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General for drug abuse law enforcement equipment.

(c) Northern Mariana Islands

(1) With the approval of the Attorney General of the United States or his designee, law enforcement officers of the Government of the Northern Mariana Islands are authorized to—

(A) execute and serve warrants, subpoenas, and summons issued under the authority of the United States;

(B) make arrests without warrant; and

(C) make seizures of property to carry out the purposes of sections 1494 to 1494c of this title, the Controlled Substances Import and Export Act (21 U.S.C. 951–970), and any other applicable narcotics laws of the United States.

(2) The Attorney General and the Secretaries of Education and Health and Human Services of the United States, as appropriate, are authorized to and, upon request of the Government of the Northern Mariana Islands, shall—

(A) train law enforcement officers and other personnel of the Government of the Northern Mariana Islands, and

(B) provide, by purchase or lease, law enforcement equipment and technical assistance to the Government of the Northern Mariana Islands to carry out the purposes of sections 1494 to 1494c of this title and any other Federal or commonwealth drug or other substance abuse law.

(3) There are authorized to be appropriated $125,000 for fiscal year 1989 and annually thereafter for grants to the Government of the Northern Mariana Islands to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services to carry out the purposes of sections 1494 to 1494c of this title, to remain available until expended.

(4) Federal personnel and equipment assigned to Guam pursuant to subsection (b) of this section shall also be available to carry out the purposes of sections 1494 to 1494c of this title in the Northern Mariana Islands.

(d) Puerto Rico

(1) There are authorized to be appropriated for grants to the Government of Puerto Rico $7,000,000 for fiscal year 1989 and $2,000,000 annually thereafter for grants to the Government of Puerto Rico to carry out the purposes of sections 1494 to 1494c of this title to be expended in accordance with a plan approved by the Executive Director of the White House Task Force on Puerto Rico in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to remain available until expended.

(2) The United States Customs Service should station an aerostat in Puerto Rico.

(3) Equipment provided to the Government of Puerto Rico pursuant to paragraph (1) of this subsection shall be made available upon request to the Federal agencies involved in drug interdiction in Puerto Rico.

(4)(A) The Attorney General and the Secretaries of Education and Health and Human Services of the United States may provide and, upon request of the Government of Puerto Rico, shall provide appropriate training, technical assistance and equipment to the Government of Puerto Rico to carry out the purposes of sections 1494 to 1494c of this title and any other Federal or commonwealth drug or other substance abuse law.

(B) There are authorized to be appropriated such sums as may be necessary to carry out subparagraph (A). Funds appropriated under this subparagraph shall remain available until expended.

(e) Virgin Islands

(1) There are authorized to be appropriated for grants to the Government of the Virgin Islands, $2,000,000 for fiscal year 1990 and annually thereafter to carry out the purposes of sections 1494 to 1494c of this title to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to remain available until expended.

(2) The United States Coast Guard shall station a patrol vessel in St. Croix, Virgin Islands.

(3)(A) The Attorney General and the Secretaries of Education and Health and Human Services of the United States may provide and, upon request of the Government of the Virgin Islands, shall provide appropriate training, technical assistance and equipment to the Government of the United States Virgin Islands to carry out the purposes of sections 1494 to 1494c of this title and any other Federal or territorial drug or other substance abuse law.

(B) There are authorized to be appropriated such sums as may be necessary to carry out subparagraph (A). Funds appropriated under this subparagraph shall remain available until expended.

(4) To assist in the prosecution of the violation of the narcotics laws of the United States, the Attorney General of the United States shall assign the necessary personnel to serve in the office of the United States Attorney for the Virgin Islands appointed pursuant to section 1617 of this title.

(5) Effective fiscal year 1989, there are authorized to be appropriated for a grant to the Government of the Virgin Islands $2,500,000 to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Secretary of Health and Human Services for a substance abuse facility.

(f) Palau

(1) The Attorney General and the Secretaries of Education and Health and Human Services are authorized to and, upon request of the Government of Palau, shall provide appropriate training, technical assistance, and equipment to carry out the purposes of sections 1494 to 1494c of this title and any other applicable Federal or insular drug or other substance abuse laws.

(2) There are authorized to be appropriated $500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Palau to be expended in accordance with a plan to be approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education, State, and Health and Human Services to carry out the purposes of sections 1494 to 1494c of this title.

(3) To the extent not prohibited under the Constitution of Palau, upon written request of the President of Palau, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Secret Service, the Immigration and Naturalization Service, and the Customs Service are authorized to investigate any United States criminal laws which are applicable in Palau in cooperation with law enforcement agencies of Palau.

(Pub. L. 99–570, title V, § 5004, Oct. 27, 1986, 100 Stat. 3207–155; Pub. L. 100–690, title IX, §§ 9302–9305, 9306(b), 9307, Nov. 18, 1988, 102 Stat. 4536–4538.)

REFERENCES IN TEXT

The Controlled Substances Import and Export Act, referred to in subsecs. (a)(1)(C), (c)(1)(C), is title III of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§ 951 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

Sections 1494 to 1494c of this title, referred to in subsecs. (a)(3), (b)(2), (c)(3), (d)(1), (e)(1), and (f)(1), (2), was in the original ''this Act'', and was translated as reading ''this subtitle'' meaning subtitle A of title V of Pub. L. 99–570 to reflect the probable intent of Congress. See Short Title note set out under section 1494 of this title.

AMENDMENTS

1988—Subsec. (a)(2). Pub. L. 100–690, § 9302(1), substituted ''Secretaries of Education and'' for ''Secretary of'' and inserted '', as appropriate,'' after ''States'', ''and, upon request of the Government of American Samoa, shall'' after ''are authorized to'', ''and other personnel'' after ''officers'', and ''or other substance'' after ''drug''.

Subsec. (a)(3). Pub. L. 100–690, § 9302(2), substituted ''$350,000 for fiscal year 1989 and annually thereafter for grants to the Government of American Samoa to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services'' for ''$700,000'' and ''sections 1494 to 1494c of this title'' for ''this subsection''.

Subsec. (a)(4). Pub. L. 100–690, § 9302(3), added par. (4).

Subsec. (b)(1). Pub. L. 100–690, § 9303(1), substituted ''Secretaries of Education and'' for ''Secretary of'' and inserted ''and, upon request of the Government of Guam, shall provide appropriate training,'' after ''may provide'' and ''or other substance'' after ''drug''.

Subsec. (b)(2). Pub. L. 100–690, § 9303(2), substituted ''$500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Guam to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to carry out the purposes of sections 1494 to 1494c of this title, to'' for ''$1,000,000 to carry out paragraph (1). Funds appropriated under this paragraph shall''.

Subsec. (b)(3). Pub. L. 100–690, § 9303(3), added par. (3).

Subsec. (c)(2). Pub. L. 100–690, § 9304(1), substituted ''The Attorney General and the Secretaries of Education and Health and Human Services of the United States, as appropriate, are authorized to and, upon request of the Government of the Northern Mariana Islands, shall'' for ''The Attorney General of the United

States and the Secretary of Health and Human Services, as appropriate, are authorized to'' in introductory provisions, inserted ''and other personnel'' after ''officers'' in subpar. (A), and inserted ''or other substance'' after ''drug'' in subpar. (B).

Subsec. (c)(3). Pub. L. 100–690, § 9304(2), substituted ''$125,000 for fiscal year 1989 and annually thereafter for grants to the Government of the Northern Mariana Islands to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services'' for ''$250,000'' and ''sections 1494 to 1494c of this title'' for ''this subsection''.

Subsec. (d)(1). Pub. L. 100–690, § 9305(1), substituted ''Puerto Rico $7,000,000 for fiscal year 1989 and $2,000,000 annually thereafter for grants to the Government of Puerto Rico to carry out the purposes of sections 1494 to 1494c of this title to be expended in accordance with a plan approved by the Executive Director of the White House Task Force on Puerto Rico in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to remain available until expended.'' for ''Puerto Rico—

''(A) $3,300,000 for the purchase of 2 helicopters;

''(B) $3,500,000 for the purchase of an aircraft; and

''(C) $1,000,000 for the purchase and maintenance of 5 high-speed vessels.

Sums appropriated under this paragraph shall remain available until expended.''

Subsec. (d)(4)(A). Pub. L. 100–690, § 9305(2), substituted ''Secretaries of Education and'' for ''Secretary of'' and inserted ''and, upon request of the Government of Puerto Rico, shall provide appropriate training,'' after ''may provide'' and ''or other substance'' after ''drug''.

Subsec. (e)(1). Pub. L. 100–690, § 9306(b)(1), substituted ''Virgin Islands, $2,000,000 for fiscal year 1990 and annually thereafter to carry out the purposes of sections 1494 to 1494c of this title to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to remain available until expended.'' for ''Virgin Islands—

''(A) $3,000,000 for 2 patrol vessels, tracking equipment, supplies, and agents, and

''(B) $1,000,000 for programs to prevent and treat narcotics abuse, such sums to remain available until expended.''

Subsec. (e)(2). Pub. L. 100–690, § 9306(b)(2), substituted ''shall'' for ''should''.

Subsec. (e)(3)(A). Pub. L. 100–690, § 9306(b)(3), substituted ''Secretaries of Education and'' for ''Secretary of'' and inserted ''and, upon request of the Government of the Virgin Islands, shall provide appropriate training,'' after ''may provide'' and ''or other substance'' after ''drug''.

Subsec. (e)(4), (5). Pub. L. 100–690, § 9306(b)(4), added pars. (4) and (5).

Subsec. (f). Pub. L. 100–690, § 9307, added subsec. (f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1494 of this title.

§ 1494c. Drug Enforcement Agency personnel assignments

To assist in the enforcement of the controlled substances laws of the United States in coordination with law enforcement officers in insular areas in the eastern Caribbean and in the central and western Pacific, the Administrator of the Drug Enforcement Administration shall assign appropriate personnel and other resources to the Virgin Islands and Guam.

(Pub. L. 99–570, title V, § 5005, as added Pub. L. 100–690, title IX, § 9310, Nov. 18, 1988, 102 Stat. 4539.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1494, 1494b of this title.

CHAPTER 11—ALIEN OWNERS OF LAND

Sec.
1501. Lands in Territories.
1502. Previously acquired lands; bona fide resident aliens; mining or incorporated village lands.
1503. Acquisition by inheritance, in collection of debts, etc.
1504. Conveyance of lands in Territories by aliens before escheat proceedings.
1505. Proceedings for escheat of improperly held lands.
1506. Condemnation and sale of lands in escheat proceedings.
1507. Public lands.
1508. Application to District of Columbia.
1509 to 1512. Omitted.

§ 1501. Lands in Territories

No alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided. The prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

(Mar. 3, 1887, ch. 340, § 1, 24 Stat. 476; Mar. 2, 1897, ch. 363, 29 Stat. 618.)

CODIFICATION

Section was formerly classified to section 71 of Title 8, Aliens and Nationality.

§ 1502. Previously acquired lands; bona fide resident aliens; mining or incorporated village lands

This chapter shall not apply to land owned in any of the Territories of the United States by aliens, which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States. If any such resident alien shall cease to be a bona fide resident of the United States then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This chapter shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.