

by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States.

(R.S. § 5571.)

CODIFICATION

R.S. § 5571 derived from act Aug. 18, 1856, ch. 164, § 1, 11 Stat. 119.

**§ 1413. Completion of proof on death of discoverer**

If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of section 1412 of this title, his widow, heir, executor, or administrator shall be entitled to the benefits of such discovery, upon complying with the provisions of this chapter. Nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer recognized prior to April 2, 1872, by the United States.

(R.S. § 5572.)

CODIFICATION

R.S. § 5572 derived from act Apr. 2, 1872, ch. 81, § 1, 17 Stat. 48.

**§ 1414. Exclusive privileges of discoverer**

The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding \$3 per ton for the best quality, or \$4 for every ton taken while in its native place of deposit.

(R.S. § 5573.)

CODIFICATION

R.S. § 5573 derived from act Aug. 18, 1856, ch. 164, § 2, 11 Stat. 119.

**§ 1415. Restrictions upon exportation**

No guano shall be taken from any island, rock, or key mentioned in section 1411 of this title, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this chapter.

(R.S. § 5574.)

CODIFICATION

R.S. § 5574 derived from acts Aug. 18, 1856, ch. 164, § 2, 11 Stat. 119; July 28, 1866, ch. 298, § 3, 14 Stat. 328; Apr. 2, 1872, ch. 81, § 1, 17 Stat. 48.

An additional provision of R.S. § 5574 suspending this section for 5 years from and after July 14, 1872, in relation to all persons who had complied with the provisions of that title of the Revised Statutes, was omitted as temporary.

**§ 1416. Regulation of trade**

The introduction of guano from such islands, rocks, or keys shall be regulated as in the coasting trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

(R.S. § 5575.)

CODIFICATION

R.S. § 5575 derived from act Aug. 18, 1856, ch. 164, § 3, 11 Stat. 120.

**§ 1417. Criminal jurisdiction**

All acts done, and offenses or crimes committed, on any island, rock, or key mentioned in section 1411 of this title, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

(R.S. § 5576.)

CODIFICATION

R.S. § 5576 derived from act Aug. 18, 1856, ch. 164, § 6, 11 Stat. 120.

**§ 1418. Employment of land and naval forces in protection of rights**

The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns.

(R.S. § 5577.)

CODIFICATION

R.S. § 5577 derived from act Aug. 18, 1856, ch. 164, § 5, 11 Stat. 120.

**§ 1419. Right to abandon islands**

Nothing in this chapter contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.

(R.S. § 5578.)

CODIFICATION

R.S. § 5578 derived from act Aug. 18, 1856, ch. 164, § 4, 11 Stat. 120.

**CHAPTER 8A—GUAM**

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- 1428. Authorization of appropriations.
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#### CONSTITUTIONS FOR VIRGIN ISLANDS AND GUAM: ESTABLISHMENT; CONGRESSIONAL AUTHORIZATION

Authorization for the peoples of the Virgin Islands and Guam to call constitutional conventions to draft constitutions for local self-government, see Pub. L. 94-584, Oct. 21, 1976, 90 Stat. 2899, set out as a note under section 1541 of this title.

#### DELEGATE TO CONGRESS FROM GUAM

Provisions respecting representation in Congress by a Delegate from Guam to the House of Representatives, see section 1711 et seq. of this title.

#### SUBCHAPTER I—GENERAL PROVISIONS

### § 1421. Territory included under name Guam

The territory ceded to the United States in accordance with the provisions of the Treaty of Peace between the United States and Spain, signed at Paris, December 10, 1898, and proclaimed April 11, 1899, and known as the island of Guam in the Marianas Islands, shall continue to be known as Guam.

(Aug. 1, 1950, ch. 512, § 2, 64 Stat. 384.)

#### EFFECTIVE DATE; CONTINUATION OF FEDERAL ADMINISTRATION

Section 34 of act Aug. 1, 1950, provided that on the 21st day of July 1950, the authority and powers conferred by this chapter would come into force, and authorized the President, for a period not to exceed one year from Aug. 1, 1950, to continue the administration of Guam in all or in some respects as provided by law, Executive order, or local regulation in force on Aug. 1, 1950. It further authorized the President in his discretion to place in operation all or some of the provisions of this chapter if practicable before the expiration of the period of one year.

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-212, § 1, Aug. 21, 2002, 116 Stat. 1051, provided that: "This Act [amending section 1421i of this

title and enacting provisions set out as a note under section 1421i of this title] may be cited as the 'Guam Foreign Investment Equity Act'."

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-291, § 1, Oct. 27, 1998, 112 Stat. 2785, provided that: "This Act [amending sections 1421g, 1423a, and 1423b of this title] may be cited as the 'Guam Organic Act Amendments of 1998'."

#### SHORT TITLE OF 1968 AMENDMENTS

Pub. L. 90-601, § 1, Oct. 17, 1968, 82 Stat. 1172, provided that: "This Act [enacting sections 1428 to 1428e of this title] may be cited as the 'Guam Development Fund Act of 1968'."

Pub. L. 90-497, § 14, Sept. 11, 1968, 82 Stat. 848, provided that: "This Act [enacting section 1422d of this title and section 335 of Title 10, Armed Forces, amending sections 1421a, 1421b, 1421c, 1421d, 1421f, 1422, 1422a, 1422b, 1422c, 1423b, 1423h, and 1423i of this title, and enacting provisions set out as notes under this section and section 1422 of this title] may be cited as the 'Guam Elective Governor Act'."

#### SHORT TITLE

Section 1 of act Aug. 1, 1950, provided that: "This Act [enacting this chapter and amending section 703 of Title 8, Aliens and Nationality] may be cited as the 'Organic Act of Guam'."

#### POLITICAL UNION BETWEEN TERRITORY OF GUAM AND COMMONWEALTH OF NORTHERN MARIANA ISLANDS, EFFECTS ON RIGHTS AND ENTITLEMENTS

In event of political union between Guam and the Commonwealth of the Northern Mariana Islands, there shall be no diminution of rights or entitlements, nor any adverse effects on any funds authorized or appropriated, see section 1844 of this title.

#### ANALYSIS OF CAPITAL INFRASTRUCTURE NEEDS OF GUAM FOR 1985 TO 1990 TIMEFRAME; REPORT TO CONGRESS; CONTENTS

Pub. L. 95-348, § 1(a)(6), Aug. 18, 1978, 92 Stat. 487, provided that the Secretary prepare and transmit to the Congress no later than July 1, 1979, an analysis of the capital infrastructure needs of Guam for the 1985 to 1990 timeframe.

#### SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. of this title.

#### EX. ORD. NO. 10077. TRANSFER OF ADMINISTRATION OF GUAM

Ex. Ord. No. 10077, eff. Sept. 7, 1949, 14 F.R. 5523, as amended by Ex. Ord. No. 10137, eff. June 30, 1950, 15 F.R. 4241, provided:

1. The administration of the Island of Guam is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on August 1, 1950.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of the administration of the Island of Guam as embodied in the above mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government on the Island of Guam.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive Order No. 108-A of December 23, 1898, is revoked, effective July 1, 1950.