CHAPTER 1—BUREAU OF INSULAR AFFAIRS

§ 1. Omitted

CODIFICATION

Section, act July 1, 1902, ch. 1969, § 67, 32 Stat. 712, provided that the Division of Insular Affairs of the War Department should be known as the Bureau of Insular Affairs and prescribed its business.

By Ex. Ord. No. 6726, eff. May 29, 1934, the Division of Territories and Island Possessions was established in the Department of the Interior, and the functions of the Bureau pertaining to the administration of the Government of Puerto Rico, together with the personnel, equipment and funds, were transferred thereto.

By Reorg. Plan No. II of 1939, § 4(d), eff. July 1, 1939, Title 5, Government Organization and Employees. The Bureau of Insular Affairs of the War Department and its functions were transferred to the Department of the Interior and consolidated with the Divisions of Territories and Island Possessions, to be administered under the direction and supervision of the Secretary of the Interior. The office of the Chief of the Bureau and offices subordinate thereto provided for in section 14 of act June 4, 1920, ch. 227, subch. I, § 14, 41 Stat. 769, were abolished and all their functions transferred to, and were to be exercised by, the Director of the Division of Territories and Island Possessions.


Section 4, acts Mar. 2, 1907, ch. 2511, 34 Stat. 1162; Mar. 23, 1910, ch. 115, 36 Stat. 248, authorized Secretary of War to detail an Army officer to act as assistant to Chief of Bureau of Insular Affairs of War Department and directed that provisions of law as to transfer of officers of line to a department for tours of service would apply to vacancy created by this section and to return of detailed officer to Army.

Section 5, act Mar. 23, 1910, ch. 115, 36 Stat. 248, authorized Secretary of War to detail one additional Army officer as assistant to Chief of Bureau of Insular Affairs under same provisions in regard to vacancies and return as provided in section 4 of this title.

CHAPTER 2—ALASKA

Sec.

21 to 50d. Omitted or Repealed.

50e. Appropriations for benefit of natives; purchase of supplies for resale to natives, cooperatives, and Department employees.

50f. Disposal of miscellaneous revenues from schools, hospitals, and other Indian Service facilities.

50g to 488f. Omitted, Repealed, or Transferred.

ADMISSION AS STATE

Alaska was admitted into the Union on January 3, 1959, on issuance of Proc. No. 3269, eff. Jan. 3, 1959, 24 F.R. 81, 73 Stat. 1029, set out below, as required by sections 1 and 8(c) of the Alaska Statehood Law, Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out below.

ALASKA STATEHOOD

Pub. L. 85–508, July 7, 1958, 72 Stat. 339, as amended, provided:

"[Sec. 1. Declaration; acceptance, ratification, and confirmation of Constitution.] That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8(c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, 'An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the con-
stitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date', approved March 19, 1955 (Chapter 46—Session Laws of Alaska 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Sec. 2. [Territory] The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

Sec. 3. [Constitution.] The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Sec. 4. [Compact with United States; disclaimer of right and title to lands or other property; taxation.] As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States, is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called native) or is held by the United States in trust for said natives; that all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held by the United States in trust for said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: Provided, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: And provided further, That no taxes shall be imposed by said State upon any lands or other property not owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation. (As amended Pub. L. 86–70, §2(a), June 25, 1959, 73 Stat. 141.)

Sec. 5. [Title to property.] The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Sec. 6. [Selection from public lands; fish and wildlife resources; public school support; mineral leases, permits, or contracts; mineral land grants; schools and colleges; confirmation of grants; internal improvements; submerged lands.] (a) For the purposes of furthering the development of and expansion of communities in the State of Alaska is hereby granted the right to establish communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest land and the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied: Provided further, That for the purposes of this section the term 'public lands of the United States in Alaska which are vacant, unappropriated, and unreserved' shall include, without limiting the use thereof, the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within thirty-five years after the date of admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of such selection: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs 192–211), as amended, and under the provisions of the Alaska commercial fisheries, laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230–239 and 241–242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221–226), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: Provided, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: Provided, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that may be available for apportionments, or which the revenues of the Interior shall have apportioned as of the date the State of Alaska shall be deemed to be admitted into the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land.
Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8(a) of the Act of September 2, 1937, as amended (16 U.S.C., sec. 669g–1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea otter skins made in accordance with the provisions of the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.). In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) and to the civil service retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966 (16 U.S.C. 1168). In administering the Pribilof Islands fund established by section 407 of the Fur Seal Act of 1966 (16 U.S.C. 1187), the Secretary shall consult with the State of Alaska annually. Nothing in this Act shall be construed as affecting the retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966 (16 U.S.C. 1187).

"(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State."

"(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection or, in the case of selections under subsec. (a) of this section, one hundred and sixty acres for each location. The Secretary may require the lessee to make selections so as not to be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide a period of not less than ninety days before the date on which it otherwise becomes effective, subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1914 (38 Stat. 741; 30 U.S.C. 181 and the following), as amended, to the extent that the lands so sold, granted, deeded, or patented to the United States subsequent to the admission of such lands to the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State."

"(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska."

"(l) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of..."
the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

"(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C. sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 48 U.S.C. sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act (July 7, 1958) shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the position of the reserved lands or an interest therein made prior to such repeal.

"(l) The grants provided for in this Act shall be in lieu of the grant of lands made to the Territory of Alaska for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1811 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U.S.C., sec. 857), and in lieu of the swamp land grant made by the Act of September 28, 1859 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U.S.C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

"(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States therewith.

"(n) The minimum tract selection size is waived with respect to a selection made by the State of Alaska under subsection (a) for the following selections:

<table>
<thead>
<tr>
<th>National Forest Community Grant Application Number</th>
<th>Area Name</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>309</td>
<td>Yakutat Airport Addition</td>
<td>111</td>
</tr>
<tr>
<td>304</td>
<td>Bear Valley (Portage)</td>
<td>120</td>
</tr>
<tr>
<td>304</td>
<td>Hyder-Fish Creek</td>
<td>61</td>
</tr>
<tr>
<td>310</td>
<td>Edna Bay Cove</td>
<td>37</td>
</tr>
<tr>
<td>304</td>
<td>Edna Bay Admin Site</td>
<td>29</td>
</tr>
</tbody>
</table>

"(o)(1) The State of Alaska may elect to convert a selection filed under subsection (b) to a selection under subsection (a) by notifying the Secretary of the Interior in writing.

"(p)(1) If the Secretary of the Interior shall not convey a total of more than 400,000 acres of public domain land selected under subsection (a) or converted under paragraph (1) to a public domain selection under subsection (a) of this section.

"(q) Conversion of a selection under paragraph (1) shall not increase the survey obligation of the United States with respect to the land converted.


"SEC. 7. [Certification by President; proclamation for elections] Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, or on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

"SEC. 8. [Election of officers; date; propositions; certification of voting results; proclamation by President; laws in effect] (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: Provided, That the general election shall not be held later than December 31, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

"(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

"(1) Shall Alaska immediately be admitted into the Union as a State?

"(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved (date of approval of this Act) and all claims of this State to any areas of land or sea outside the boundaries as so described are hereby irrevocably relinquished to the United States.

"(3) All provisions of the Act of Congress approved (date of approval of this Act) reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people.

"In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

"The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers duly designated by the Secretary of the State of Alaska, to whom such certificate of the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

"(c) If the President shall find that the propositions set forth in the preceding subsection have been duly
adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

"Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights, privileges and powers of Senators and Representatives of other States in the Congress of the United States.

"(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws thereof in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term ‘Territorial laws’ includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term ‘laws of the United States’ includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not ‘Territorial laws’ as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

[House of Representatives] The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: Provided, That such temporary increase in the membership of the House of Representatives may, in the discretion of the Congress, be terminated in whole or in part by the President.

"(b) Special national defense withdrawals established for defense purposes of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

1. All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable to the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

2. In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

3. To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection, and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: Provided, however, That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.

4. All functions vested in the United States magistrate judges by the laws described in this subsection shall continue to be performed within the withdrawals by such magistrate judges.
"(5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawal by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

"(6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

"(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

"(e) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President. (As amended Pub. L. 96-578, title IV, §402(a)(2), Oct. 17, 1980, 92 Stat. 1118; Pub. L. 101-460, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

"Sec. 11. [Denali National Park; military and naval lands; civil and criminal jurisdiction.] (a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Denali National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions or for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

"(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, were owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress prior to proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this subsection shall not apply to lands within such special national defense withdrawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section. (As amended Pub. L. 96-487, title II, §203(3)(a), Dec. 2, 1980, 94 Stat. 2382.)

"Sec. 12. [Judicial and criminal provisions; amendment.] Effective upon the admission of Alaska into the Union—

"(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

"81A. Alaska

'Alaska constitutes one judicial district.

'Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.'

"(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item:

'Arizona * * * 2', a new item as follows: 'Alaska * * * 1';

"(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: 'the District Court for the Territory of Alaska,': Provided, That the amend- ment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

"(e) The words 'the District Court for the Territory of Alaska.' are stricken out wherever they appear in sections 333, 400, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

"(f) The first paragraph of section 1292 of title 28, United States Code, is further amended by striking out the word 'Alaska,' from the clause relating to courts of record;

"(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

"(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: 'District Court for the Territory of Alaska, the';

"(i) Section 3241 of title 18, United States Code, is amended by striking out the words: 'District Court for the Territory of Alaska,';

"(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: 'for Alaska or';

"(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out
from the first paragraph of such section the words: ‘the Territory of Alaska.’;"

"(u) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: ‘the Territory of Alaska.’;"

"(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended, by striking out from the first paragraph of such section the words: ‘and of the District Court for the Territory of Alaska.’;"

"(g) Subsection (g) of section 376 of title 28, United States Code, is amended by striking out the words: ‘the District Court for the Territory of Alaska.’; Provided, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;"

"(o) The last paragraph of section 1963 of title 28, United States Code, is repealed;"

"(p) Section 2201 of title 28, United States Code, is amended by striking out the words: ‘and the District Court for the Territory of Alaska’; and"

"(d) Section 4 of the Act of July 29, 1950 (64 Stat. 380; 5 U.S.C., sec. 341b) is amended by striking out the word: ‘Alaska.’;"

"SEC. 13. [Continuation of suits.] No writ, action, indictment or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory becomes a State, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the Territory of Alaska, in like manner, to the same extent, and with like right of appellate review, as is now provided by law for appeals and writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, except for the admission of such State, may still be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and with the same right to prosecute appeals or writs of certiorari from the final determination in said cause made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the final determination in said cases made by the court of last resort created by such State to the Supreme Court of the United States.

"SEC. 14. [Appeals.] All appeals taken from the District Court for the District of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though the same had been prosecuted to the Supreme Court of the United States District Court for the Territory of Alaska, the continuance thereof and inserting in lieu of such sentence the following: ‘When the State of Alaska is hereafter admitted into the Union, but the same shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State, every national bank in any State shall be a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank therefor in any State;’.

"SEC. 15. [Transfer of cases.] All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court, and the judgments and decrees rendered on such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

"SEC. 16. [Succession of courts.] Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, docketts, journals, and files of such court pertaining to such cases. The files and papers in all cases not so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

"SEC. 17. [Pending cases in the District Court for the Territory of Alaska.] All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said cases made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the final determination in said cases made by the court of last resort created by such State to the Supreme Court of the United States.

"SEC. 18. [Jurisdiction of District Court; termination date.] The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuance of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

"SEC. 19. [Federal Reserve Act; amendment.] The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the words following: ‘When the State of Alaska is hereafter admitted into the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State, every national bank in any State shall be a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank therefor in any State.”
bank under the Federal Deposit Insurance Act, and fail-
ture to do so shall subject such bank to the penalty pro-
vided by the sixth paragraph of this section.

(2) [Reservation of oil lands; repeal.] Section 2 of the Act of October 20, 1914 (38 Stat. 742, 48 U.S.C., sec. 433), is hereby repealed.

"SEC. 21. [United States Nationality.] Nothing con-
tained in this Act shall operate to confer United States
nationality, nor to terminate nationality heretofore
lawfully acquired, nor restore nationality heretofore
lost under any law of the United States or under any
treaty to which the United States may have been a
party.

"SEC. 22. [Immigration and Nationality Act; amend-
ment.] Section 101(a)(36) of the Immigration and
Nationality Act (66 Stat. 170, 8 U.S.C. sec. 101(a)(36)) is
amended by deleting the word ‘Alaska.’

"SEC. 23. [Immigration and Nationality Act; amend-
ment.] The first sentence of section 222(d)(7) of the Im-
migration and Nationality Act (66 Stat. 188, 8 U.S.C.,
sec. 1182(d)(7)) is amended by deleting the word ‘Alas-
ka.’

"SEC. 24. [Persons born in Alaska on or after March
30, 1967.] Nothing contained in this Act shall be held to
repeal, amend, or modify the provisions of section 304

"SEC. 25. [Immigration and Nationality Act; amend-
ment.] The first sentence of section 310(a) of the Im-
1561(a)(1)) is amended by deleting the words ‘District
Courts of the United States for the Territories of Ha-
waii and Alaska’ and substituting therefor the words
‘District Court of the United States for the Territory of Hawaii.’

"SEC. 26. [Immigration and Nationality Act; amend-
ment.] Section 344(d) of the Immigration and
Nationality Act (66 Stat. 265, 8 U.S.C., sec. 1455(d)) is amended
by deleting the words ‘in Alaska and’.

"SEC. 27. [Transportation by water.] (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. [App.], sec. 865) [now 46 U.S.C. 5518], is further amended by striking out the word ‘ex-
cluding’ and inserting in lieu thereof the word ‘includ-
ing’.

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by
water between any port in the State of Alaska and other ports in the United States, its Territories or posses-
sions, or as conferring upon the Interstate Commerce
Commission jurisdiction over transportation by
water between any such ports.

"SEC. 28. [Mines and mining.] (a) The last sentence of
section 9 of the Act entitled ‘An Act to provide for the
leasing of coal lands in the Territory of Alaska, and for
other purposes’, approved October 20, 1914 (48 U.S.C.
439), is hereby amended to read as follows: ‘All net prof-
ts from operation of Government mines, and all bo-
nuses, royalties, and rentals under leases as herein pro-
vided and all other payments received under this Act
shall be distributed as follows as soon as practicable
after December 31 and June 30 of each year: (1) 90 per
centum thereof shall be paid by the Secretary of the
Treasury to the State of Alaska, the Territory of Hawaii, the
Commonwealth of Puerto Rico, and the Virgin Islands,
and as used in this subtitle B, the term ‘State’ in-
cludes Hawaii, Puerto Rico, and the Virgin Islands.’

"SEC. 6. [Armed Forces; amendment.] (a) Title 10,
United States Code, section 101(2), is amended by strik-
ing out the words ‘Alaska, Hawaii,’ and inserting in lieu
thereof the word ‘Hawaii’.

(b) ‘Title 10, United States Code, sections 802(11) and
802(12), are each amended by striking out the words
‘part of Alaska east of longitude 172 degrees west,’.

(c) ‘Title 10, United States Code, section 2692(c), is
amended by striking out the word ‘Alaska.’

"SEC. 7. [National Bank Act; amendment.] Section 113
of the Soil Bank Act (7 U.S.C., supp. V, sec. 1837), is
amended to read as follows: ‘This subtitle shall apply to the Continental United States, except Alaska, and, if the
Secretary determines it to be in the national inter-
est, to the State of Alaska, the Territory of Hawaii, the
Commonwealth of Puerto Rico, and the Virgin Islands,’
and as used in this subtitle B, the term ‘State’ in-
cludes Hawaii, Puerto Rico, and the Virgin Islands.’

"SEC. 8. [Federal Reserve Act; amendment.] (a) Sec-
tion 1 of the Federal Reserve Act, as amended (12 U.S.C.
221), is further amended by deleting the period at the
end of such section and inserting in lieu thereof the fol-
lowing: ‘the term ‘the continental United States’ means
the States of the United States and the District of
Columbia.’

(b) Section 19 of the Federal Reserve Act, as amend-
ed (12 U.S.C. 466), is further amended by striking the
words ‘in Alaska or’.
“§ 9. (Home Loan Bank Board.) (a) Paragraph (3) [now (2)] of section 2 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1422(3) [now 1422(2)]), is further amended by striking out the words ‘Territories of Alaska and Hawaii’ and inserting in lieu thereof the words ‘Territory of Hawaii’.

(b) Section 7 of the Home Owners’ Loan Act of 1933, as amended (12 U.S.C. 1466), is further amended by striking out the words ‘continental United States, to the Territories of Alaska and Hawaii’ and inserting in lieu thereof the words ‘continental United States (including Alaska), to the Territory of Hawaii’.

“§ 10. (National Housing Act; amendment.) The National Housing Act is amended by—

(a) striking out the word ‘Alaska,’ in sections 9, 201(d), 207(a)(7), 601(d), 714(q), and 801(g) (12 U.S.C., secs. 1706d, 1707(d), 1713(a)(7), 1736(d), 1747(q); supp. V, sec. 1748(g));

(b) striking out the words ‘the Territory of Alaska,’ in section 207(c)(2) (12 U.S.C., supp. V, sec. 1713(c)(2)), and inserting the word ‘Alaska’ in lieu thereof;

(c) by striking out the words ‘the Territory of Alaska or in Guam’ in section 214 (12 U.S.C., supp. V, sec. 1715d; 48 U.S.C., supp. V, sec. 4884), and inserting therein ‘Alaska, Guam, in lieu thereof; and

(d) striking out the words ‘Territory’ in the two places where it appears in section 806 (12 U.S.C., supp. V, sec. 1748e), and inserting the word ‘State’ in lieu thereof.

“§ 11. (Coast Guard; amendment.) Title 14, United States Code, section 634(b), is amended by striking out the words ‘and for the territory of in both places where they appear therein.

“§ 12. (Securities and Exchange Commission.) (a) Paragraph (6) of section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77(b)), is further amended by striking out the word ‘Alaska’.

(b) Paragraph (16) of section 3(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c(a)(16)), is further amended by striking out the word ‘Alaska’.

(c) Paragraph (18) of section 202(a) of the Investment Advisers Act of 1940, as amended (15 U.S.C. 80b-2(a)(18)), is further amended by striking out the word ‘Alaska’.

(d) Paragraph (37) of section 2(a) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-2(a)(37)), is further amended by striking out the word ‘Alaska’.

(e) Paragraph (1) of section 6(a) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a-6(a)(1)), is further amended by striking out the word ‘Alaska’.

(f) Paragraph (11) of section 1 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C., supp. V, sec. 590h(b)), is further amended by inserting, immediately following the words ‘continental United States’, the words ‘except in Alaska’.

(g) Paragraph (17) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C., supp. V, sec. 590h(b)), is further amended by inserting, immediately following the words ‘continental United States’, the words ‘including Alaska’.

(h) Paragraph (1) of section 6 of the Soil Conservation and Domestic Allotment Act of 1940, as amended (16 U.S.C. 590h(a)), is further amended by striking out the word ‘Alaska’.

(i) Paragraph (2) of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C., supp. V, sec. 590h(b)), is further amended by inserting, immediately following the words ‘continental United States’, the words ‘including Alaska’.


(k) Section 207 of the National Defense Education Act of 1958 (72 Stat. 1580, 1582), relating to definition of State, is amended by striking out ‘Alaska,’ each time it appears.

(l) Paragraph (3)(b) of section 309(a) of such Act (72 Stat. 1580, 1588), relating to definition of continental United States for purposes of allotments for science, mathematics and modern foreign language instruction equipment, is amended by striking out ‘does not include Alaska’ and inserting in lieu thereof ‘includes Alaska’.

(m) Section 1008 of such Act (72 Stat. 1580, 1605), relating to allotments to territories, is amended by striking out ‘Alaska’.

(n) Paragraph (b)(1) Section 4 of the Act of February 23, 1917 (20 U.S.C. 14), relating to allotments for teacher-training, is amended by striking out ‘$90,000’ and inserting ‘$98,500’. The proviso in the last paragraph of section 5 of such Act (20 U.S.C. 16) and so much of section 12 of such Act (20 U.S.C. 23) as follows the last semicolon shall not be applicable to Alaska prior to the third fiscal year which begins after the enactment of this Act.

(o) Paragraph (1) of section 2 of the Vocational Education Act of 1946 (20 U.S.C. 151), relating to definition of States and Territories, is amended by striking out ‘the Territories of Alaska and Hawaii’ and inserting in lieu thereof the ‘Territory of Hawaii’.

(p) Paragraph (c) of section 2 of such Act (20 U.S.C. 153(e)), relating to definition of State, is amended by striking out ‘Alaska’.

(q) Paragraph (13) of section 15 of the Act of September 23, 1950, as amended (72 Stat. 548, 558), relating to definition of State, is amended by striking out ‘Alaska’.

(r) The material in the parentheses in the first sentence of subsection (d) of section 3 of the Act of September 30, 1950, as amended, relating to determination of local contribution rate, is amended to read: ‘(other than a local educational agency in Hawaii, Puerto Rico, Wake Island, Guam, or the Virgin Islands, or in a State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency’.

(s) The fourth sentence of such subsection is amended by inserting ‘(including Alaska)’ after ‘continental United States’ the first time it appears therein.

(t) The last sentence of such subsection is amended by striking out ‘Alaska,’ and by inserting after ‘the Virgin Islands’, the following: ‘or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency’. The fifth sentence of such subsection is amended by inserting ‘(including Alaska)’ after ‘continental United States’ the second time it appears therein.

(u) The last sentence of such subsection is amended by striking out ‘Alaska,’ and by inserting after ‘the Virgin Islands’, the following: ‘or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency’. The fifth sentence of such subsection is amended by inserting ‘(including Alaska)’ after ‘continental United States’ the second time it appears therein.

(v) The last sentence of such subsection is amended by striking out ‘Alaska,’ and by inserting after ‘the Virgin Islands’, the following: ‘or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency’. The fifth sentence of such subsection is amended by inserting ‘(including Alaska)’ after ‘continental United States’ the second time it appears therein.

(w) The last sentence of such subsection is amended by striking out ‘Alaska,’ and by inserting after ‘the Virgin Islands’, the following: ‘or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency’. The fifth sentence of such subsection is amended by inserting ‘(including Alaska)’ after ‘continental United States’ the second time it appears therein.
amended by deleting therefrom the words 'the Territory of Alaska,'.

"SEC. 21. [Highways.] (a) The Secretary of Transportation shall transfer to the State of Alaska by appropriate conveyance without compensation, but upon such terms and conditions as he may deem desirable, all lands or interests in lands, including buildings and fixtures, personal property, including machinery, office equipment, and supplies, and all records pertaining to roads in Alaska, which are owned, held, administered by, or used by the Secretary in connection with the activities of the Bureau of Public Roads in Alaska, (i) except such lands or interests in lands, including buildings and fixtures, personal property, including machinery, office equipment, and supplies, and records as the Secretary may determine are needed for the operations, activities, and functions of the Bureau of Public Roads in Alaska after such transfer, including services or functions performed pursuant to section 44 of this Act, and (ii) except such lands or interests in lands as he or the head of any other Federal agency may determine are needed for continued retention in Federal ownership for purposes other than or in addition to road purposes.

"(b) Notwithstanding any other provision of this section, any contract entered into by the Federal Government in connection with the activities of the Bureau of Public Roads in Alaska which has not been completed on the date of the transfer provided under subsection (a) hereof may be completed according to the terms thereof.

"(c)(1) The State of Alaska shall be responsible for the maintenance of roads, including bridges, tunnels, and ferries, transferred to it under subsection (a) of this section, as long as any such road is needed for highway purposes.

"(2) Federal-aid funds apportioned to Alaska under title 23, United States Code, for fiscal year 1960 and prior fiscal years, and unobligated on the date of enactment of this Act, may be used for maintenance of highways on the Federal-aid systems in Alaska.

"(d) Effective July 1, 1959, the following provisions of law are repealed:

"(1) Title 23, United States Code, section 103(f);

"(2) Title 23, United States Code, section 116(d);

"(3) Title 23, United States Code, section 118;

"(4) Title 23, United States Code, section 120(h), except that the portion of the first sentence thereof relating to the percentage of funds to be contributed by Alaska shall continue to apply to funds apportioned to Alaska for fiscal year 1960 and prior fiscal years;

"(5) Sections 107(b) and (d) of the Federal-Aid Highway Act of 1956 (70 Stat. 374, 377, 378);

"(6) Section 2 of the Act of January 27, 1905 (33 Stat. 616), as amended (48 U.S.C. 322 and the following);

"(7) The Act of June 30, 1932 (47 Stat. 446), as amended (48 U.S.C. 321(a) and the following).

"(e) Effective on July 1, 1959, the following provisions of law are amended:

"(1) The definition of the term 'State' in title 23, United States Code, section 101(a), is amended to read and follow: 'The term 'State' means any one of the forty-nine States, the District of Columbia, or Puerto Rico.'

"(2) Title 23, United States Code, section 104(b), is amended by deleting the phrase 'except that only one-third of the area of Alaska shall be included' where it appears in paragraphs (1) and (2) of said section 104(b);

"(3) Title 23, United States Code, section 118(a), is amended by deleting the phrase 'Except as provided in subsection (d) of this section,' and by capitalizing the word 'it' immediately following such phrase; and

"(4) Title 23, United States Code, section 120(a), is amended by deleting the phrase 'subsection (d) and (h)' and by inserting in lieu thereof the phrase 'subsection (d)';

"(5) Notwithstanding the limitation contained in subsection (f) of section 120 of Title 23, United States Code, the Secretary of Transportation is authorized to make expenditures from the emergency fund under section 125 of such title for the repair or reconstruction of highways on the Federal-aid highway systems of Alaska that have been damaged or destroyed by the 1964 earthquake and subsequent seismic waves, in accordance with the Federal share payable under subsection (a) of section 120 of such title. The increase in expenditures resulting from the difference between the Federal share authorized by this subsection and that authorized by subsection (f) of section 120 of such title shall be reimbursed to the emergency fund by an appropriation from the general fund of the Treasury. Provided, That such increase in expenditures shall not exceed $15,000,000 in the aggregate. (As amended Pub. L. 88-451, § 3, Aug. 19, 1964, 78 Stat. 505; Pub. L. 97-449, § 2(a), Jan. 12, 1983, 96 Stat. 2439.)

"SEC. 22. [Internal Revenue.] (a) Section 23202 of the Internal Revenue Code of 1986 (relating to missionaries in foreign service), and sections 3121(e)(1), 3306(j), 4254(d), and 4250(b) of such Code (each relating to a special definition of 'State') are amended by striking out 'Alaska';

"(b) Section 4264(c)(1) of the Internal Revenue Code of 1986 (definition of 'continental United States') is amended to read as follows:

"(1) Continental United States.—The term 'continental United States' means the District of Columbia and the States other than Alaska.

"(c) Section 4502(5) of the Internal Revenue Code of 1986 (relating to definition of 'United States') is amended by striking out 'the Territories of Hawaii and Alaska' and by inserting in lieu thereof 'the Territory of Hawaii'.

"(d) Section 4774 of the Internal Revenue Code of 1986 (relating to territorial extent of law) is amended by striking out 'the Territory of Alaska';

"(e) Section 7621(b) of the Internal Revenue Code of 1986 (relating to boundaries of internal revenue districts) is amended to read as follows:

"(b) Boundaries.—For the purpose mentioned in subsection (a), the President may subordinate any State, Territory, or the District of Columbia, or may unite into one district two or more States or a Territory and one or more States.'

"(f) Section 7639(d) of the Internal Revenue Code of 1986 is amended by striking out 'its Territories or possessions' and inserting in lieu thereof 'its possessions or the Territory of Hawaii'.

"(g) Section 7701(a)(9) of the Internal Revenue Code of 1986 (relating to definition of 'United States') is amended by striking out 'the Territories of Alaska and Hawaii' and inserting in lieu thereof 'the Territory of Hawaii'.

"(h) Section 7701(a)(10) of the Internal Revenue Code of 1986 (relating to definition of State) is amended by striking out 'Territories and inserting in lieu thereof 'Territory of Hawaii'.

"(i) The amendments contained in subsections (a) through (b) of this section shall be effective as of January 3, 1959. (As amended Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2065.)

"SEC. 23. [Courts.] (a) The Judicial Conference of the United States, with the assistance of the Administrative Office of the United States Courts, shall conduct a study, including a field survey, of the Federal Judicial business arising in the State of Alaska with a view toward directing the United States Court of Appeals for the Ninth Circuit to hold such terms of court in Anchorage or such other Alaskan cities as may be necessary for the prompt and efficient administration of justice.

"(b) Title 28, United States Code, section 210, is amended by inserting the word 'Ketchikan,' immediately following the word 'Juneau,'.

"(c) Such authority as has been exercised by the Attorney General heretofore, with regard to the Federal court system in Alaska, pursuant to section 30 of the Act of June 30, 1932 (48 U.S.C. 25), shall continue to be exercised by him after the court created by section 12(b) of the Act of July 7, 1958 (72 Stat. 330, 348) set out...
above, providing for the admission of the State of Alaska into the Union, is established.

(4) All balances of public moneys received by the closing of each division of the District Court for the Territory of Alaska pursuant to section 10 of the Act of June 6, 1900, as amended (48 U.S.C. 107), which are on hand after all payments ordered by that court and approved by the Administrative Office of the United States Courts shall have been made, shall be covered into the Treasury of the United States as required by law, and the Secretary of the Treasury shall pay the amounts so covered, which are hereby appropriated, to the State of Alaska.

**SCC. 24.** [(Vocational Rehabilitation Act; amendment.) (a) Subsection (g) of section 11 of the Vocational Rehabilitation Act (29 U.S.C., supp. V, sec. 41(g), relating to definition of State, is amended by striking out 'Alaska.'.

(1) Subsection (i) and paragraph (1) of subsection (h), relating to definition of allotment percentages and Federal shares for purposes of allotment and matching for vocational rehabilitation services, are each amended by striking out 'excluding Alaska' and inserting in lieu thereof 'including Alaska'.

(2) Paragraph (1) of such subsection (h) is further amended by striking out 'Alaska' and inserting in lieu thereof 'Hawaii and Alaska' in clause (B) and inserting in lieu thereof 'Hawaii'.

(3) Such subsection (i) is further amended by striking out 'Hawaii and Alaska' in clause (B) and inserting in lieu thereof 'Hawaii'.

**SCC. 25.** [(Gold Reserve Act; amendment.) Section 15 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 444), is further amended by striking out the words ', the District of Columbia, and the Territory of Alaska' and inserting in lieu thereof the words 'and the District of Columbia'.

**SCC. 26.** [(Silver Purchase Act; amendment.) Section 10 of the Silver Purchase Act of 1914 (31 U.S.C. 44b), is amended by striking out the words 'the District of Columbia, and the Territory of Alaska' and inserting in lieu thereof the words 'the District of Columbia'.

**SCC. 27.** [(National Guard; amendment.) Title 32, United States Code, section 101(1), is amended by striking out the words 'Alaska, Hawaii,' and inserting in lieu thereof the word 'Hawaii'.

**SCC. 28.** [(Water Pollution Control Act; amendment.) (a) Paragraph (1) of section 5(h) of the Federal Water Pollution Control Act (33 U.S.C., supp. V, sec. 466d(h)(1)), relating to Federal share for purposes of matching for program operation, is amended by striking out 'excluding Alaska' and inserting in lieu thereof 'including Alaska' and by striking out 'and Operation' and inserting in lieu thereof 'and the District of Columbia'.

(b) Subsection (d) of section 11 of such Act (33 U.S.C., Supp. V, sec. 466(d)), is amended by striking out 'Alaska,'.

**SCC. 29.** [(Veterans' Benefits; amendment.) (a) Title 38, United States Code, section 903(b) (now 2303(b)), is amended by striking out the words ', or to the place of burial within Alaska if the deceased was a resident of Alaska who had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care'; by inserting the word 'continental' immediately before the words 'United States' the second time they appear in such section; and by inserting, immediately following the words 'continental United States' in both places where they appear in such section, the parenthetical phrase 'including Alaska'.

(b) Title 38, United States Code, section 2007(c) (now 4107(c)), is amended by striking out the word 'Alaska.,'

**SCC. 30.** [(Federal Property and Administrative Services Act; amendment.) (a) Subsection (f) of section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(f) (now 40 U.S.C. 102(6)), is amended by striking out the words 'Hawaii, Alaska,' and inserting in lieu thereof the words 'including Alaska, Hawaii,'.

(b) Subsection (a) of section 702 of such Act (former 40 U.S.C., Supp. V, sec. 522(a)), is amended by striking out the words 'Territories of Alaska and Hawaii' and inserting in lieu thereof the words 'Territory of Hawaii'.

**SCC. 31.** [(Public Health Service Act; amendment.) (a) Subsection (b) of section 2 of the Public Health Service Act (42 U.S.C. 201(b)), relating to definition of State, is amended by striking out 'Hawaii, Alaska,' and inserting in lieu thereof 'Hawaii, and Alaska' and inserting in lieu thereof 'Alaska and Hawaii',

(b) Effective July 1, 1959, section 731 of the Public Health Service Act, as added by the Alaska Mental Health Enabling Act (42 U.S.C., supp. V, sec. 273), is repealed.

(1) Subsection (a) of section 372 of such Act (42 U.S.C., Supp. V, sec. 274(a)), is amended by striking out 'the Territory of'.

(c) Subsections (b), (c), and (e) of such section are each amended by striking out 'the Territory of' each time it appears and inserting in lieu thereof 'Alaska'.

(2) Such subsection (e) is further amended by striking out 'the Territory's' and inserting in lieu thereof 'Alaska's'.

(c) Subsection (a) of section 631 of such Act (42 U.S.C., Supp. V, sec. 291(a)), relating to definition of allotment percentage for purposes of allotments for construction, is amended by striking out 'excluding Alaska' and inserting in lieu thereof 'including Alaska' and by striking out 'for Alaska and Hawaii shall be 50 per centum each' in clause (2) and inserting in lieu thereof 'for Hawaii shall be 50 per centum'.

(2) Subsection (d) of such section, relating to definition of State, is amended by striking out 'Alaska, and placing in lieu thereof 'Hawaii',

**SCC. 32.** [(Social Security Act; amendment.) (a) Paragraph (4) of section 1101(a) of the Social Security Act (72 Stat. 1013, 1050), relating to definition of Federal percentage for purposes of matching for public assistance grants, is amended by striking out 'Alaska and in' clause (ii) of subparagraph (A) and by striking out 'excluding Alaska' in subparagraphs (A) and (B) and inserting in lieu thereof 'including Alaska'.

(b) Subsection (b) of such section, relating to definition of Federal share for purposes of matching for child welfare services, is amended by striking out '50 per centum in the case of Alaska and ' in clause (B).

(2) Subsection (b) of such section, relating to definition of Federal share for purposes of matching for child welfare services, is amended by striking out '50 per centum in the case of Alaska and ' in clause (B).

(3) Such subsections (a) and (b), and subsection (c) of such section, relating to promulgation of Federal percentages and allotment percentages, are each amended by striking out 'excluding Alaska' and inserting in lieu thereof 'including Alaska'.

(3) Such subsections (a) and (b), and subsection (c) of such section, relating to promulgation of Federal shares and allotment percentages, are each amended by striking out 'excluding Alaska' and inserting in lieu thereof 'including Alaska'.

(1) The last sentence of section 202(d) of the Social Security Act (42 U.S.C., Supp. V, sec. 402(d)), is amended by striking out 'forty-eight' and inserting in lieu thereof 'forty-nine'.

(2) Subsections (b) and (i) of section 210 of such Act (42 U.S.C. 418(h), (i), relating to definitions of State and United States for purposes of old-age, survivors, and disability insurance, are each amended by striking out 'Alaska, Hawaii,' and inserting in lieu thereof 'Hawaii'.

(2) Paragraph (2) of such section (42 U.S.C. 1301(a)(2)), relating to definition of United States, is amended by striking out 'Alaska.'


**SCC. 34.** [(Federal Register.] Section 8 of the Federal Register Act (44 U.S.C. 308) is amended by striking out the parenthetical phrase 'not including Alaska' and inserting in lieu thereof the parenthetical phrase 'including Alaska'. [Repealed by Pub. L. 90-620, §3, Oct. 22, 1968, 82 Stat. 1310.]
“SEC. 33. [Airports.] (a) The Administrator of the Federal Aviation Agency is authorized and directed to transfer to the State of Alaska by appropriate conveyance any subject to such states and conditions as he may deem appropriate, all the right, title, and interest of the United States in and to the public airports constructed and operated pursuant to the Act of May 28, 1926, as amended (48 U.S.C. 485 and the following), including all the land, buildings, structures, facilities, equipment, and other personal property appurtenant thereto and necessary for the operation thereof, except for such property, real or personal, as the Administrator may determine is needed for the performance of functions of the United States in Alaska after such transfer. Such transfer shall be without monetary consideration as to the United States.

(b) Notwithstanding any other provisions of this section, any contract entered into by the Federal Aviation Agency in connection with its activities with respect to public airports constructed and operated pursuant to the Act of May 28, 1948, as amended (48 U.S.C. 485 and the following), which has not been completed by the date of enactment of this Act, may be completed according to the terms thereof.

“SEC. 36. [Selective Service.] Section 16(b) of the Universal Military Training and Service Act, as amended (50 U.S.C., app., sec. 466b), is further amended by striking out the word ‘Alaska,’.

“SEC. 37. [Real property transactions.] Section 43(c) of the Act of August 10, 1956 (50 U.S.C. app., supp. V, sec. 228(c)), is amended by striking out the word ‘Alaska,’.

“SEC. 38. [Recreation facilities.] Section 2 of the Act of May 27, 1964 (70 Stat. 130), is hereby repealed. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1960, such sums as may be necessary to complete the construction of facilities described in section 1 of such Act, as amended by the Act of August 30, 1957 (71 Stat. 510), if construction was begun prior to June 30, 1959, and to maintain the facilities pending their transfer pursuant to such section.


“SEC. 40. [Defense Base Act; amendment.] (a) Paragraphs (2) and (3) of section 1(a) of the Defense Base Act, as amended (55 Stat. 622; 42 U.S.C. 1651 and the following), are amended by striking out ‘Alaska’ in the parenthesisal phrase in each paragraph.

(b) Paragraph (6) of section 1(a) of that Act is amended by striking out ‘or in Alaska or the Canal Zone’.

(c) Section 1(b) of that Act is amended by striking the period at the end of paragraph (3), inserting in lieu thereof a semicolon, and adding the following paragraph:

‘‘(4) the term ‘continental United States’ means the States and the District of Columbia.’’

“SEC. 41. [Timber removal.] The Act of March 3, 1901 (26 Stat. 959), as amended (16 U.S.C. 607), is further amended by deleting the words ‘Territory of Alaska’ and the words ‘or Territory’ where they there appear and by inserting the word ‘Alaska,’ after the words ‘In the State of’.

“SEC. 42. [War Hazards Compensation Act; amendment.] (a) Paragraphs (2), (3), and (5) of section 10(a) of the War Hazards Compensation Act, as amended (56 Stat. 1928; 42 U.S.C. 1701 and the following), are amended by striking out ‘or in Alaska or the Canal Zone’.

(b) Paragraph 104 of that Act (42 U.S.C. 1794) is amended by adding the following new subsection at the end thereof:

‘‘(c) The provisions of this section shall not apply with respect to benefits on account of any injury or death occurring within any State.’’

(c) Section 201 of that Act (42 U.S.C. 1711) is amended by adding the following new subsection at the end thereof:

‘‘(f) the term ‘ continental United States’ means the States and the District of Columbia.’’

“SEC. 43. [Buy American Act; amendment.] Section 1(b) of Title III of the Act of March 3, 1933 (former 41 U.S.C. 16c(b)) (now 41 U.S.C. 8301(1)), is amended by striking out the word ‘Alaska.’

“SEC. 44. [Transitional grants.] (a) In order to assist the State of Alaska in accomplishing an orderly transition from Territorial status to statehood, and in order to facilitate the assumption by the State of Alaska of responsibilities hitherto performed in Alaska by the Federal Government, there are hereby authorized to be appropriated to the President, for the purpose of making transitional grants to the State of Alaska, the sum of $10,500,000 for the fiscal year ending June 30, 1960; the sum of $5,000,000 for each of the fiscal years ending June 30, 1961, and June 30, 1962; the sum of $3,000,000 for each of the fiscal years ending June 30, 1963, and June 30, 1964; and the sum of $23,500,000 for the period ending June 30, 1966.

(b) The Governor of Alaska may submit to the President a request that a Federal agency continue to provide services or facilities in Alaska for an interim period, pending the provision of such services or facilities by the State of Alaska. Such interim period shall not extend beyond June 30, 1966. In the event of such request, and in the event of the approval thereof by the President, the President may allocate, at his discretion, to such agency the funds necessary to finance the provision of such services or facilities. Such funds shall be allocated from appropriations made pursuant to subsection (a) hereof, and the amount of such funds shall be deducted from the amount of grants available to the State of Alaska pursuant to such subsection.

(c) After the transfer or conveyance to the State of Alaska of any property or function pursuant to the Act of July 7, 1956 (72 Stat. 339) [set out as a note above], providing for the admission of the State of Alaska into the Union, or pursuant to this Act or any other law, and until June 30, 1966, the head of the Federal agency having administrative jurisdiction of such property prior to its transfer or conveyance may contract with the State of Alaska for the performance by such agency, on a reimbursable basis, of some or all of the functions authorized to be performed by it in Alaska immediately preceding such conveyance or transfer. (As amended Pub. L. 88–311, §§1, 2, May 27, 1964, 78 Stat. 201.)
rules and regulations as may be necessary to establish such temporary commission or as may be necessary to terminate such temporary commission at the conclusion of its duties. In carrying out its duties under this section, such commission may hold such hearings, take such testimony, sit and act at such times and places, and incur such expenditures as the commission deems necessary. No commission shall be appointed under authority of this subsection after June 30, 1965.

“(b) The commission may, without regard to the civil service laws and the Classification Act of 1949, employ and fix the compensation of such employees as it deems necessary to carry out its duties under this section. The commission is authorized to use the facilities, information, and personnel of the departments, agencies, and establishments of the executive branch of the United States Government which it deems necessary to carry out its duties under this section. The commission may establish such procedures, rules, and regulations as may be necessary to carry out its duties under this section.

“(c) No member of such commission shall be an officer or employee of the United States or of the State of Alaska. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the membership shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Each member of the commission shall be paid compensation at the rate of $50 per day for each day spent in the work of the commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance in accordance with the provisions of the Travel Expense Act of 1949, as amended, when away from his usual place of residence.

“(d) There are hereby authorized to be appropriated such sums as may be necessary to enable the commission to perform its duties under this section.

“SEC. 47. (Effective dates.) (a) The amendments made by paragraph (2) of subsection (a) of section 18, by subsection (a) of section 28, by paragraph (1) of subsection (c) of section 31, by subsections (a) and (b) of section 32, and, except as provided in subsection (c) of this section, by subsection (b) of section 24, shall be applicable in the case of promulgations of Federal shares, allotment percentages, allotment ratios, and Federal percentages, as the case may be, made after satisfactory data are available from the Department of Commerce for a full year period ending after June 30, 1969, and for the purpose such promulgations shall, before such data for the full period required by the applicable statutory provision as so amended are available from the Department of Commerce, be based on satisfactory data available from such Department for such one full year or, when such data for a two-year period are available, for such two years.

“(b) The amendments made by paragraphs (1) and (3) of subsection (a) of section 18 shall be applicable, in the case of allotments under section 302(b) or 502 of the National Defense Education Act of 1958 [20 U.S.C. 442(b) or 482], for fiscal years beginning July 1, 1969, and in the case of allotments under section 302(a) of such Act, in the case of allotments based on allotment ratios, promulgated under such section 302(a), to which the amendment made by paragraph (2) of subsection (a) of section 18 of this Act is applicable.


“(d) The amendments made by paragraphs (2) and (3) of subsection (b), by subsection (c), and by paragraph (4) of subsection (d) of section 18; by subsection (a) of section 24; by subsection (b) of section 28; by paragraphs (1) and (2) of subsections (2), (3), and (4) of subsection (a) of section 31; by paragraph (2) of subsection (c) and by subsection (d) of section 32; and, except as provided in subsection (b) of this section by paragraph (1) of subsection (a) of section 18, shall be effective on January 3, 1969.

“(e) The amendment made by paragraph (1) of subsection (c) of section 32 shall apply in the case of deaths occurring on or after January 3, 1959.

“(f) The amendments made by paragraph (1) of subsection (b) and paragraphs (1) and (2) of subsection (d) of section 18 shall be applicable for fiscal years beginning July 1, 1959.

“(g) The amendments in sections 40 and 42 shall take effect when enacted: Provided, however, That with respect to injuries or deaths occurring on or after January 3, 1959, and prior to the effective date of these amendments, claims filed by employees engaged in the State of Alaska in any of the entitlements covered by the Defense Base Act [42 U.S.C. 1651 et seq.] (and their dependents) may be adjudicated under the Workmen’s Compensation Act of Alaska instead of the Defense Base Act. (As amended Pub. L. 86-624, §47(g)(4), July 12, 1960, 74 Stat. 424.)

“SEC. 48. [Definition of ‘Continental United States’.] Whenever the phrase ‘continental United States’ is used in any law of the United States enacted after the date of enactment of this Act, it shall mean the 49 States on the North American Continent and the District of Columbia, unless otherwise expressly defined.

“SEC. 49. (Other subjects.) The amendment by this Act of certain statutes by deleting therefrom specific references to Alaska or such phrases as ‘Territory of Alaska’ shall not be construed to affect the applicability or inapplicability in or to Alaska of other statutes not so amended.

“SEC. 50. (Separability.) If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

“SEC. 51. [New Federal Loan Adjustments.] (a) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower’s indebtedness under programs administered by the Farmers Home Administration in Alaska as he finds necessary because of loss resulting from the 1964 earthquake and subsequent seismic waves, and he may refinance outstanding indebtedness of applicants in Alaska for loans under section 502 of the Housing Act of 1949 [42 U.S.C. 1472] for the repair, reconstruction, or replacement of dwellings or farm buildings lost, destroyed, or damaged by such causes and securing such outstanding indebtedness. Such loans may also provide for the purchase of building sites, when the original sites cannot be utilized.

“(b) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower’s indebtedness under programs administered by the Rural Electrification Administration in Alaska as he finds necessary because of loss, destruction, or damage of property resulting from the 1964 earthquake and subsequent seismic waves. (Added Pub. L. 88-451, §4, Aug. 19, 1964, 78 Stat. 565.)

“SEC. 52. [Compromise or Release of Notes or Other Obligations.] The Secretary of Housing and Urban Development is authorized to compromise or release such portion of any note or other obligation held by him with respect to property in Alaska pursuant to Title II of the Housing Amendments of 1955 [42 U.S.C. 1491-1497] or included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, as he finds necessary because of loss, destruction, or damage of property securing such obligations by the 1964 earthquake and subsequent seismic waves. (Added Pub. L. 88-451, §4, Aug. 19, 1964, 78 Stat. 566, and amended Pub. L. 90-19, §15(a), May 25, 1967, 81 Stat. 24.)

“SEC. 53. [Urban Renewal.] The Secretary of Housing and Urban Development is authorized to enter into contracts for grants not exceeding $25,000,000 for urban renewal projects in Alaska, under section 111 of the Housing Act of 1949 [42 U.S.C. 1462], which he determines will aid the communities in
which they are located in reconstruction and redevelopment
made necessary by the 1964 earthquake and subse-
quently seismic waves. Such authorization shall be in
addition to, and separate from, any grant authoriza-
tions contained in section 103(b) of said Act [42 U.S.C.
1453(b)].

"The Secretary may increase the capital grant for a
project assisted under this section to not more than 90
per centum of net project cost where he determines
that a major portion of the project area has either been
rendered unusable as a result of the 1964 earthquake
and subsequent seismic waves or is needed in order ade-
quately to provide, in accordance with the urban re-
newal plan for the project, new locations for persons,
businesses, and facilities displaced by the earthquake.

"SEC. 54. [Extension of Term of Home Disaster
Loans.] Loans made pursuant to paragraph (1) of sec-
tion 7(b) of the Small Business Act (72 Stat. 387), as
amended (15 U.S.C. 630(b)), for the purpose of replacing,
reconstructing, or repairing dwellings in Alaska dam-
aged or destroyed by the 1964 earthquake and subse-
quently seismic waves, may have a maturity of up to
thirty years: Provided, That the provisions of section
7(c) of said Act [15 U.S.C. 630(c)] shall not be applicable
to such loans. (Amended Pub. L. 88–451, § 4, Aug. 19, 1964,
78 Stat. 506.)

"SEC. 55. [Modification of Civil Works Projects.] The
Chief of Engineers, under the direction of the Secretary
of the Army, is hereby authorized to make such modifi-
cations to previously authorized civil works projects
in Alaska adversely affected by the 1964 earthquake and
subsequent seismic waves as he finds necessary to meet
changed conditions and to provide for current and rea-
sonably prospective requirements of the communities
they serve, at an estimated cost of $10,000,000. (Added

"SEC. 56. [Purchase of Alaska State Bonds.] The Sec-
tary of Housing and Urban Development is authorized
to purchase, in accordance with the provisions of sec-
tions 202(b), 203, and 204 of Title II of the Housing
Amendments of 1965 [42 U.S.C. 1492(b), 1493, and 1494],
the securities and obligations of, or make loans to,
the State of Alaska to finance any part of the programs
needed to carry out the reconstruction activities in
Alaska related to the 1964 earthquake and subsequent
seismic waves or to complete capital improvements
begun prior to the earthquake: Provided, That the ag-
gregate amount of such purchase or loan shall not ex-
ceed $25,000,000. (Added Pub. L. 88–451, § 4, Aug. 19, 1964,
78 Stat. 506, and amended Pub. L. 90–19, §15(a), May 25,
1967, 81 Stat. 24.)

"SEC. 57. [Retirement or Adjustment of Outstanding
Mortgage Obligation.] For the purpose of enabling the
State of Alaska to retire or adjust outstanding home
mortgage obligations or other real property liens se-
curred by one or more families whose homes were sever-
ely damaged or destroyed in the March 1964 earthquake
and subsequent seismic waves, the President is autho-
rized to make additional grants to the State of Alaska
in an amount not to exceed a total of $5,500,000 to
match, on a fifty-fifty basis, any funds provided by the
State to pay the costs of retiring or adjusting such
mortgage obligations. In order to be approved, a State
application for a grant for carrying out the purpose of
this section must: (1) be in accordance with a plan sub-
mitted by the State, to be approved by the President,
for the implementation of the purpose of this section;
(2) estimate the State agencies for retiring or adjusting
said mortgage obligations; (3) provide that the mortga-
gor shall be required to absorb the damage loss to the
entire extent of his equity interest in the property and
also agrees to pay at least $1,000 of the outstanding
mortgage balance; (4) provide that no payments for re-
tiring or adjusting mortgage obligations on a single
property shall exceed $30,000; (5) provide regulations to
assure equitable treatment among home owners and to
prevent unjustified payments or gains to the State,
mortgagees or mortgagees; and (6) provide that the
State agency will make such reports, in such form and
containing such information as the President may from
time to time require, and give the President, upon de-
mand, access to the records on which such reports are

ASSISTANCE TO ALASKA FOR RECONSTRUCTION OF
AREAS DAMAGED BY EARTHQUAKE
provided:

"[Section 1. Short Title.] That this Act may be cited as
the '1964 Amendments to the Alaska Omnibus Act.'

"SEC. 2. [Congressional Declaration.] The Congress
hereby recognizes that the State of Alaska has experi-
enced extensive property loss and damage as a result of
the earthquake of March 27, 1964, and subsequent seis-
mic waves, and declares the need for special measures
designed to aid and accelerate the State's efforts in
providing for the reconstruction of the areas in the
State devastated by this natural disaster.

"SEC. 3. [This section added subsec. (f) to section 21
of the Alaska Omnibus Act, Pub. L. 86–70, June 25, 1959,
73 Stat. 141, set out above.]

"SEC. 4. [This section added sections 51 to 57 to the
Alaska Omnibus Act, Pub. L. 86–70, June 25, 1959, 73
Stat. 141, set out above.]

"SEC. 5. [Authorization of Appropriations.] There is
authorized to be appropriated such sums as may be nec-
essary to carry out the provisions of this Act, which
shall be available for obligation until June 30, 1967, ex-
cept that any sums so appropriated to carry out section
53 of the Alaska Omnibus Act [set out above] shall be
available after such date for obligation in connection
with one or more of the following urban renewal projects
authorized for execution prior to June 30, 1967:
Alaska R–8, Westchester; Alaska R–19, Kodiak; Alaska
R–20, downtown Anchorage; Alaska R–21, Seward; Alas-
ka R–22, Valdez; Alaska R–23, Mineral Creek; Alaska
R–26, Seldovia; Alaska R–28, Cordova. There is also au-
thorized to be appropriated such sums as may be nec-
essary for the expenses of such advisory commissions
or committees as the President may establish in con-
nection with the reconstruction and development plan-
ning of the State of Alaska. The total amount author-
ized to be appropriated pursuant to this section shall
not exceed $55,650,000. (As amended Pub. L. 91–367, § 1,
July 31, 1970, 84 Stat. 691.)

"SEC. 6. [Termination Date.] The authority contained
in this Act shall expire on June 30, 1967, except that
such expiration shall not affect—

"(1) the authority conferred by section 53 of the
Alaska Omnibus Act [set out above] until the comple-
tion of the following urban renewal projects author-
ized for execution prior to June 30, 1967: Alaska R–8,
Westchester; Alaska R–19, Kodiak; Alaska R–20,
downtown Anchorage; Alaska R–21, Seward; Alaska
R–22, Valdez; Alaska R–23, Mineral Creek; Alaska
R–26, Seldovia; Alaska R–28, Cordova; or

"(2) the payment of expenditures for any obligation
or commitment entered into under this Act prior to
June 30, 1967.

691.)

"SEC. 7. [Report to the Congress.] The President shall
report semiannually during the term of this Act to the
President of the Senate and the Speaker of the House
on the actions taken under this Act by the various Fed-
eral agencies. The first such report shall be submitted
not later than February 1, 1965, and shall cover the pe-
riod ending December 31, 1964."

DELEGATION OF FUNCTIONS
Ex. Ord. No. 11230, under which the functions of the
President under sections 44(a) and 45(a) of the Alaska
Omnibus Act of June 25, 1959, set out above, were dele-
gated to the Director of the Bureau of the Budget [now
the Director of Management and Budget], was super-
ceded by Ex. Ord. No. 11609, eff. July 22, 1971, 36 F.R.
13747, set out under section 301 of Title 3.
WHEREAS section 45(a) of the Alaska Omnibus Act (73 Stat. 152) [set out as a note above] provides that if the President determines that any function performed by the Federal Government in Alaska has been terminated by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1964, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function; and

WHEREAS it appears that it would be in the public interest to delegate to the Secretary of the Interior, to the extent hereinafter indicated, the authority vested in the President by section 45(a) of the Alaska Omnibus Act:

NOW, THEREFORE, by virtue of the authority vested in me by section 45(a) of the Alaska Omnibus Act (73 Stat. 152) and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. It is hereby determined that the functions performed by the United States in Alaska pursuant to the Alaska same law of July 1, 1947 (72 Stat. 218, 73 Stat. c16, sections 192, 193, and 195 to 211 of this title), the act of June 28, 1906, 34 Stat. 478, the act of June 6, 1924, 43 Stat. 465, and the acts amending or supplementing such acts, and that the return of December 31, 1959, and that the same functions or substantially the same functions will be assumed by the State of Alaska.

SECTION 2. There is hereby delegated to the Secretary of the Interior, effective January 1, 1960, the authority vested in the President by section 45(a) of the Alaska Omnibus Act to transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with the functions described in section 1 hereof.

SECTION 3. The Secretary of the Interior is hereby authorized to delegate to (1) the Assistant Secretary for Agriculture and Rural Development, (2) the Commissioner of Fish and Wildlife, (3) the Directors of the Bureau of Indian Affairs, Alaska Region, and the Bureau of Commercial Fisheries and Sport Fisheries and Wildlife, and (4) the Regional Directors for Alaska and the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife all or any part of the authority delegated to the Secretary of the Interior by section 2 hereof.

SECTION 4. All transfers and conveyances made under or pursuant to this order shall be made in accordance with such policies, conditions, and procedures as may be prescribed by the Secretary of the Interior.

Dwight D. Eisenhower.

§§ 21 to 27. Omitted

CONDIFICATION

Sections 21 to 27, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 21, act Aug. 24, 1912, ch. 387, §1, 37 Stat. 512, provided for organization and administration of Territory of Alaska.

Section 22, act Aug. 24, 1912, ch. 387, §2, 37 Stat. 512, directed that Capital of Territory be at Juneau.


Section 24, acts Aug. 24, 1912, ch. 387, §3, 37 Stat. 512; July 28, 1956, ch. 772, title III, §301(c), 70 Stat. 713, limited authority of Territorial legislature to repeal or amend existing laws.

Section 25, act June 6, 1900, ch. 786, §30, 31 Stat. 332, empowered Attorney General to prescribe fees of officers not otherwise compensated.

Section 26, act June 6, 1900, ch. 786, §2, 31 Stat. 321, authorized governor to appoint notaries public.

Section 27, act June 6, 1900, ch. 786, §2, 31 Stat. 321, validated appointments of notaries public made prior to June 6, 1900.

Section, act June 6, 1900, ch. 786, §17, 31 Stat. 328, related to residence, term of office, and removal from office of notaries public.

§§ 29 to 38. Omitted

CODIFICATION

Sections 29 to 38, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 29, act June 6, 1900, ch. 786, §22, 31 Stat. 329, related to official bonds of notaries public.


Section 31, act June 6, 1900, ch. 786, §18, 31 Stat. 328, related to duties of notaries public.

Section 32, act June 6, 1900, ch. 786, §19, 31 Stat. 329, provided for protests of bills or notes by notaries public.

Section 33, act June 6, 1900, ch. 786, §24, 31 Stat. 329, related to liability of notaries public for misconduct or neglect.

Section 34, act June 6, 1900, ch. 786, §20, 31 Stat. 329, directed notaries to deposit their records with district court on resignation, removal or death.

Section 35, act June 6, 1900, ch. 786, §21, 31 Stat. 329, related to duty of clerk in safe-keeping records deposited.


Section 35c, act Aug. 5, 1939, ch. 480, §3, 53 Stat. 1219, related to fees of postmasters acting as notaries.

Section 36, acts June 6, 1900, ch. 786, §32, 31 Stat. 333; Dec. 16, 1930, ch. 14, §1, 46 Stat. 1029, prescribed fee for certificates issued to members of bar authorizing them to practice law.

Section 37, act June 11, 1896, ch. 420, §1, 29 Stat. 413, empowered Secretary of the Treasury to fix rates of dockage and wharfage to be paid for use of wharf at Sitka.

Section 38, act Jan. 3, 1923, ch. 22, 42 Stat. 1106, related to repairs to wharf at Sitka.


§§ 40, 41. Omitted

CODIFICATION

Sections 40 and 41, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 40, act June 6, 1900, ch. 786, §31, 31 Stat. 332, related to court rooms and offices of civil government.


Section, acts June 6, 1900, ch. 786, §32, 31 Stat. 333; Mar. 3, 1905, ch. 1497, §2, 33 Stat. 1266, provided for disbursements to Alaska Historical Library and Museum and prescribed contents thereof.

§§ 43 to 45. Omitted

CODIFICATION

Sections 43 to 45, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.


Section 44, acts Aug. 24, 1912, ch. 387, §9, 37 Stat. 514; June 3, 1946, ch. 396, 62 Stat. 302, limited amount of taxes that could be levied by incorporated towns or municipalities.

Section 44a, act May 28, 1936, ch. 467, §1, 49 Stat. 1386, related to bonded indebtedness of municipalities for public works.


Section 44c, act May 28, 1936, ch. 467, §3, 49 Stat. 1388, provided for issuance, sale and redemption, and interest rates of bonds.

Section 44d, act May 28, 1936, ch. 467, §4, 49 Stat. 1389, repealed conflicting laws.

Section 44e, act Mar. 6, 1946, ch. 52, §1, 60 Stat. 33, authorized bonds for public works by municipalities and public utility districts.

Section 44f, act Mar. 6, 1946, ch. 52, §2, 60 Stat. 33, related to issuance, sale and redemption, and interest rates on bonds for public works.

Section 44g, act Mar. 6, 1946, ch. 52, §3, 60 Stat. 33, related to bonded indebtedness of municipalities for public works.

Section 44h, act Mar. 6, 1946, ch. 52, §4, 60 Stat. 33, repealed laws inconsistent with sections 44f to 44i of this title.


§§ 46–1 to 46–3. Omitted

CODIFICATION

Sections 46–1 to 46–3, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 46–1, act July 28, 1956, ch. 772, title I, §101, 70 Stat. 709, authorized territorial legislature to enact laws on subject of mental health.

Section 46–2, act July 28, 1956, ch. 772, title I, §102, 70 Stat. 709, related to jurisdiction, functions and duties of commissioners and courts in carrying out section 46–1 of this title.


Section, act Mar. 4, 1929, ch. 707, 45 Stat. 1644, provided for detailing of a Public Health Service medical officer to supervise care and maintenance of insane in Alaska and payment of his compensation and expenses.

Section 46b, act June 25, 1919, ch. 424, § 1, 36 Stat. 852, established detention hospitals at Fairbanks and Nome for temporary care and detention of insane.

Section 46c, acts Oct. 14, 1942, ch. 601, § 1, 56 Stat. 782; July 28, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, defined terms used in sections 46a to 47c, 48a, 50, and 50a of this title.


Section 47b, acts Oct. 14, 1942, ch. 601, § 6, 56 Stat. 783; July 28, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, related to discharge of patients from mental institutions, permitted leaves of absence to patients, and required issuance of suitable clothing upon discharge.

Section 47c, acts Oct. 14, 1942, ch. 601, § 7, 56 Stat. 784; July 28, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, authorized superintendent of any mental institution to board patients with private families, provided for inspection, and empowered superintendent to remove patients from boarding places.


§ 49. Omitted

CODIFICATION

Section, act Jan. 12, 1927, ch. 27, § 1, 44 Stat. 968, which provided for admission to hospitals in the Territory of Alaska was omitted in view of the admission of Alaska into the Union.


Section 50a, acts Apr. 24, 1926, ch. 177, § 2, 44 Stat. 322; Oct. 14, 1942, ch. 601, § 5, 56 Stat. 783; July 28, 1956, ch. 772, title III, § 301(b)(1), 70 Stat. 712, related to funds which were subject to such claims.

§§ 50b to 50d–1. Omitted

CODIFICATION

Sections 50b to 50d–1, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 50b, act Mar. 7, 1928, ch. 137, § 1, 45 Stat. 239, authorized Secretary of the Interior to accept donations for school, medical, and reindeer service.

Section 50c, act Mar. 14, 1929, ch. 273, § 1, 46 Stat. 321, related to availability of appropriations for education, medical relief, and reindeer.

Section 50d, act Mar. 9, 1938, ch. 187, § 1, 52 Stat. 311, empowered Secretary of the Interior to authorize officers to incur obligations for benefit of natives prior to appropriation.

Section 50d–1, act June 1, 1944, ch. 220, § 1, 58 Stat. 266, empowered Secretary to authorize officers to incur obligations for benefit of natives in excess of current appropriations.

§ 50e. Appropriations for benefit of natives; purchase of supplies for resale to natives, cooperatives, and Department employees

The Secretary of the Interior is authorized to purchase from appropriations made for the benefit of natives of Alaska, food, clothing, supplies, and materials for resale, under such rules and regulations as he may prescribe, to employees of the Department of the Interior stationed in Alaska and to natives of Alaska and native cooperative associations under his supervision. The proceeds from such sales shall be credited to the appropriation or appropriations current at the date of the deposit thereof into the Treasury and shall be available for the same purposes.

(Feb. 20, 1942, ch. 96, 56 Stat. 95.)

ALASKA RESUPPLY PROGRAM FUND

Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 1007, provided that: “Beginning October 1, 1991, and thereafter, amounts collected by the Secretary in connection with the Alaska Resupply Program (Public Law 77–457) (48 U.S.C. 50e) shall be deposited into a special fund to be established in the Treasury, to be available to carry out the provisions of the Alaska Resupply Program, such amounts to remain available until expended: Provided. That unobligated balances of amounts collected in fiscal year 1991 and credited to the Operation of Indian Programs account as offsetting collections, shall be transferred and credited to this account.”

§ 50f. Disposal of miscellaneous revenues from schools, hospitals, and other Indian Service facilities

After February 20, 1942, miscellaneous revenues derived from schools, hospitals, and other facilities maintained and operated by the Indian Service for the benefit of Indians and natives of Alaska shall be covered into the Treasury of the United States under the provisions of section 155 of title 25.

(Feb. 20, 1942, ch. 98, 56 Stat. 95.)

§§ 50g to 58. Omitted

CODIFICATION

Sections 50g to 58, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 50g, act Aug. 2, 1956, ch. 883, § 1, 70 Stat. 939, related to facilities at Alaska-Canadian border.

Section 50h, act Aug. 2, 1956, ch. 883, § 2, 70 Stat. 939, required site selected under section 50g of this title to consist of lands owned or controlled by the United States.

Section 50i, act Aug. 2, 1956, ch. 883, § 3, 70 Stat. 939, provided for arrangements for use of sites and facilities.

Section 50j, act Aug. 2, 1956, ch. 883, § 4, 70 Stat. 940, authorized appropriations for purposes of sections 50g to 50j of this title.

Section 51, act Mar. 3, 1927, ch. 363, § 1, 44 Stat. 1392, related to educational qualifications of voters and electors.

Section 52, act Mar. 3, 1927, ch. 363, § 2, 44 Stat. 1393, provided that inability to read and write was a ground for challenge at polls.

Section 53, act Mar. 3, 1927, ch. 363, § 3, 44 Stat. 1393, related to manner of proving ability to read and write.

Section 54, act Mar. 3, 1927, ch. 363, § 4, 44 Stat. 1393, related to exemption from provisions of section 51 of this title by reason of physical disability.

Sections 56, act Mar. 3, 1927, ch. 363, § 6, 44 Stat. 1393, provided that persons refused permission to vote shall not make any further attempt to vote.
Section 58, act Mar. 3, 1927, ch. 363, § 8, 44 Stat. 1394, prescribed penalties for violation of sections 51 to 57 of this title.

§§ 61 to 64. Omitted
CODIFICATION
Sections 61 to 64, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

CODIFICATION
Section, act Mar. 3, 1905, ch. 1497, § 3, 33 Stat. 1296, required bond from Secretary of Territory.

§§ 65a to 66. Omitted
CODIFICATION
Sections 65a to 66, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

CODIFICATION
Sections 67 to 72, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

§§ 73, 73a. Omitted
CODIFICATION
Sections 73 and 73a, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

CODIFICATION
Sections 74 to 75, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

§§ 76 to 92. Omitted
CODIFICATION
Sections 76 to 92, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Sections 80, Aug. 24, 1912, ch. 387, § 3, 37 Stat. 512, prohibited legislature from passing laws depriving judges, officers, etc. of district court of authority or jurisdiction.
Section 81, Aug. 24, 1912, ch. 387, § 10, 37 Stat. 515, related to rules of legislature, quorum and majority.
Section 82, Aug. 24, 1912, ch. 387, § 11, 37 Stat. 516, prohibited members of legislature from holding other office.
Section 83, Aug. 24, 1912, ch. 387, § 11, 37 Stat. 516, prohibited persons holding appointment under the United States from being members of legislature or holding other Territorial office.
Section 84, Aug. 24, 1912, ch. 387, § 14, 37 Stat. 516, specified exemptions and privileges of members of legislature.
Section 87, Aug. 24, 1912, ch. 387, § 15, 37 Stat. 516, directed transmission of copies of law to the President and Secretary of State.
Section 89, Aug. 24, 1912, ch. 387, § 16, 37 Stat. 517, required all Territorial laws to be submitted to Congress.
Section 90, Aug. 24, 1912, ch. 387, § 19, 37 Stat. 518, related to powers of courts and legislature.
Section 92, act Feb. 18, 1929, ch. 260, 45 Stat. 1228, directed all appropriations by legislature to be in conformity with sections 23, 24, 67 to 73, and 74 to 90 of this title.

§§ 101 to 122. Omitted

CODIFICATION

Sections 101 to 122, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.


Section 104, acts June 6, 1900, ch. 786, §§ 4, 31 Stat. 322, authorized appointment of clerks and commissioners.

Section 105, acts June 6, 1900, ch. 786, §§ 4, 31 Stat. 322, required keeping of record books and prescribed duties of recorders.

Section 106, acts June 6, 1900, ch. 786, §§ 4, 31 Stat. 322, directed Attorney General to pay office expenses of United States marshals.
and lighting schoolhouses.boards to employ teachers and to provide for heatingboards, their term of office and expenditures.

Mar. 3, 1905, ch. 1491, 33 Stat. 1262, provided for schoolrequired clerks of school districts to report to the Gov-ernment of school districts in towns.

Mar. 3, 1905, ch. 1491, 33 Stat. 1262, authorized establish-
manship of Alaska fund to school districts.


Section 147, acts May 7, 1906, ch. 2083, §§ 13, 34 Stat. 174; May 25, 1906, ch. 199, 64 Stat. 191, authorized fees for publication for each election.

Section 148, act May 7, 1906, ch. 2083, § 14, 34 Stat. 174, provided for manner of audit and payment of election expenses.


§§ 161 to 170a. Omitted

§§ 161 to 170a, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 161, act Jan. 27, 1905, ch. 277, §§ 3, 33 Stat. 617, named Governor as the ex officio superintendent of public instruction and empowered him to prescribe rules and regulations for examination and qualification of teachers.


Section 165, act Jan. 27, 1905, ch. 277, §§ 6, 33 Stat. 619, required clerks of school districts to report to the Gov-ernor.

Section 166, act Jan. 27, 1905, ch. 277, §§ 5, 33 Stat. 617, authorized establishment of school districts outside incor-porated towns.

Section 167, act Jan. 27, 1905, ch. 277, §§ 5, 33 Stat. 617, provided for manner of election of school boards in school districts outside incorporated towns.

Section 168, acts Jan. 27, 1905, ch. 277, §§ 5, 33 Stat. 617; June 1, 1938, ch. 312, 52 Stat. 607, directed Governor to assign proportion of Alaska fund to school districts.


Section 170, act Mar. 3, 1917, ch. 167, 39 Stat. 1131, authorized legislature to establish schools for white and colored children and to appropriate funds for that purpose.

Section 170a, act May 14, 1930, ch. 273, § 1, 46 Stat. 321, authorized Secretary of the Interior to enter into con-
tracts with local school boards for education of chil-dren of nontaxpaying natives.


Section, act Mar. 21, 1906, J. Res. No. 10, 34 Stat. 824, permitted teachers and other employees of the United States Bureau of Education to make assignments of their pay while employed in Alaska and authorized re-
imbursement of teachers in Alaska for expenses in-
curred in the discharge of duty and paid from personal funds.

§§ 172, 173. Omitted

§§ 172 and 173, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 172, act Mar. 3, 1909, ch. 266, 35 Stat. 837, au-thorized appointment of school employees as special peace officers.

Section 173, act Feb. 25, 1925, ch. 320, § 1, 43 Stat. 978, authorized establishment of a system of vocational training for aboriginal natives.


Section, act Feb. 25, 1925, ch. 320, § 2, 43 Stat. 978, re-lated to transfer of buildings for purpose of vocational training, schools, and hospitals in connection with ab-
original natives in Alaska.

§§ 175, 175a. Omitted

§§ 175 and 175a, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 175, act July 31, 1946, ch. 719, § 1, 60 Stat. 750, au-thorized establishment of a geophysical institute at the University of Alaska.

Section 175a, act July 31, 1946, ch. 719, §§ 2, 60 Stat. 751, provided that buildings and equipment of geophysical institute shall become property of University of Alas-

§§ 191 to 213. Omitted

§§ 191 to 213, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 191, act May 31, 1920, ch. 217, 41 Stat. 716, re-lated to powers and duties of Secretary of the Interior with respect to game animals.


ion, wildlife agents, and other persons.


Section 194, act Jan. 13, 1925, ch. 75, §§ 7, 43 Stat. 742, required Commission to file estimates and submit re-
ports of administration.

Section 195, acts Jan. 13, 1925, ch. 75, §§ 7, 43 Stat. 743; July 1, 1943, ch. 183, 57 Stat. 305, prescribed restrictions on taking of animals, birds, fish, etc.

Section 196, acts Jan. 13, 1925, ch. 75, §§ 7, 43 Stat. 743; Feb. 4, 1931, ch. 185, §§ 43 Stat. 1112; July 1, 1943, ch. 183, 57 Stat. 305, related to animals and birds escaping from captivity or introduced into Territory.


Section 199, acts Jan. 13, 1925, ch. 75, §§ 10, 43 Stat. 744; Feb. 14, 1931, ch. 185, §§ 6 to 11, 46 Stat. 1112 to 1114; June
§§ 220 to 224. Omitted


Section 224, acts Jan. 13, 1925, ch. 75, § 16, 43 Stat. 746; July 1, 1943, ch. 183, 57 Stat. 312, related to burden of proof in prosecutions under sections 192, 193, and Brazil to 211 of this title.

Section 225, acts Jan. 13, 1925, ch. 75, § 19, as added July 1, 1943, ch. 183, 57 Stat. 312, declared that sections 192, 193, and Brazil to 211 of this title shall not apply to Mount McKinley National Park.

Section 226, acts Jan. 13, 1925, ch. 75, § 18, as added July 1, 1943, ch. 183, 57 Stat. 312, declared that provisions of sections 192, 193, and Brazil to 211 of this title were separable.


Section 228, acts Jan. 13, 1925, ch. 75, § 20, as added July 1, 1943, ch. 183, 57 Stat. 312, defined terms used in sections 192, 193, and Brazil to 211 of this title.


Section 232, acts June 6, 1924, ch. 272, § 1, 43 Stat. 466; July 1, 1943, ch. 183, 57 Stat. 303, authorized Secretary to remove members of Commission and to fill vacancies.


§§ 220 to 224. Omitted

Codification

Sections 220 to 224, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.


Section, act June 6, 1924, ch. 272, § 2, 43 Stat. 465, related to escapement in certain instances of portion of salmon run in waters of Alaska.

§§ 226 to 239. Omitted

Codification

Sections 226 to 239, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 227, acts June 6, 1924, ch. 272, § 6, 43 Stat. 466, prescribed penalties for violation of fishing laws.

Section 228, act June 6, 1924, ch. 272, § 4, 43 Stat. 466, empowered Director of Fish and Wildlife Service to designate employees as peace officers.

Section 229, act June 6, 1924, ch. 272, § 8, 43 Stat. 467, provided that nothing in sections 223 to 224, 226 to 228, and 232 to 234 of this title shall not abrogate or curtail any territorial powers.


Section 231, act June 26, 1906, ch. 3547, § 10, 34 Stat. 736, established a license tax on canning fish.


Section 235, acts June 6, 1906, ch. 3547, § 7, 34 Stat. 480; Feb. 28, 1929, ch. 365, § 1, 45 Stat. 43, prohibited salmon to be canned or salted within forty-eight hours after being killed.

Section 236, act June 26, 1906, ch. 3547, § 4, 34 Stat. 480, prohibited waste or destruction of food fish.

Section 237, act June 26, 1906, ch. 3547, § 8, 34 Stat. 480, prohibited false labeling or branding of packages of fish.


Section, acts June 4, 1897, ch. 2, §1, 30 Stat. 29; June 23, 1913, ch. 3, 38 Stat. 63, authorized appointment of an agent and assistant agent for protection of salmon fisheries.

 §§ 241 to 244. Omitted

 CODIFICATION

Sections 241 to 244, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section, acts June 26, 1906, ch. 3547, §12, 34 Stat. 488; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, empowered Secretary to deputize officers and employees of the Department as law enforcement officers.


Section, acts June 14, 1906, ch. 3299, §1, 34 Stat. 263; June 25, 1908, ch. 605, 52 Stat. 1174, prohibited fishing by aliens and permitted sales to aliens.

Section, acts June 14, 1906, ch. 3299, §2, 34 Stat. 264, prescribed penalties for violations of sections 243 to 247 of this title.

Section, acts June 14, 1906, ch. 3299, §3, 34 Stat. 264, provided for jurisdiction of prosecutions under sections 243 to 247 of this title.


Section, acts Aug. 18, 1914, ch. 368, §1, 55 Stat. 632; June 29, 1916, ch. 460, §§1, 2, 70 Stat. 372, provided for protection of walruses.

Section, acts Aug. 18, 1914, ch. 368, §2, 55 Stat. 633, prescribed duties of law enforcement officers, and for forfeiture of equipment of convicted persons.

Section, acts Aug. 18, 1914, ch. 368, §3, 55 Stat. 633, defined terms used in sections 248 to 249 of this title.

 §§ 250 to 250p. Transferred

 CODIFICATION

Section, act Sept. 1, 1937, ch. 897, §1, 50 Stat. 900, which declared purpose of sections 250 to 250n of this title for establishment of a reindeer industry, was transferred to section 500a of Title 25.

Section, act Sept. 1, 1937, ch. 897, §7, 50 Stat. 900, which related to management of reindeer industry, was transferred to section 500f of Title 25.

Section, act Sept. 1, 1937, ch. 897, §8, 50 Stat. 901, which empowered Secretary to distribute reindeer, property, and profits to natives, was transferred to section 500g of Title 25.

Section, act Sept. 1, 1937, ch. 897, §9, 50 Stat. 901, which authorized Secretary to grant administrative powers to organizations of natives, was transferred to section 500h of Title 25.

Section, act Sept. 1, 1937, ch. 897, §10, 50 Stat. 901, which provided for alienation of reindeer or interests, was transferred to section 500i of Title 25.

Section, act Sept. 1, 1937, ch. 897, §11, 50 Stat. 902, which defined reindeer as used in sections 250 to 250n, of this title, was transferred to section 500j of Title 25.

Section, act Sept. 1, 1937, ch. 897, §12, 50 Stat. 902, which authorized Secretary to promulgate rules and regulations, was transferred to section 500k of Title 25.

Section, act Sept. 1, 1937, ch. 897, §13, 50 Stat. 902, which directed Secretary, whenever practicable, to appoint natives to administer the industry, was transferred to section 500l of Title 25.

Section, act Sept. 1, 1937, ch. 897, §14, 50 Stat. 902, which related to use of public lands, was transferred to section 500m of Title 25.

Section, act Sept. 1, 1937, ch. 897, §15, 50 Stat. 902, which defined “Natives of Alaska” for purposes of sections 250 to 250n of this title, was transferred to section 500n of Title 25.

Section, act Sept. 1, 1937, ch. 897, §16, 50 Stat. 902, which authorized appropriation of $2,000,000.00 to carry out sections 250 to 250n of this title, is set out as a note under section 500j of Title 25.

Section, act Sept. 1, 1937, ch. 897, §17, 50 Stat. 902, which repealed provisions inconsistent with sections 250 to 250n of this title, is set out as a note under section 500k of Title 25.

 §§ 261 to 291. Repealed. Apr. 13, 1934, ch. 119, §1, 48 Stat. 583

Section, act Feb. 14, 1917, ch. 53, §1, 39 Stat. 903, prohibited manufacture or sale of intoxicating liquor in the territory of Alaska.


Section, act Feb. 14, 1917, ch. 53, §13, 39 Stat. 906, related to use of buildings or vehicles for unlawful
manufacture, transportation, or disposal of intoxicating liquors.

Section 275, act Feb. 14, 1917, ch. 53, §14, 39 Stat. 906, related to importation or possession of liquors except as provided by law.


Section 284, act Feb. 14, 1917, ch. 53, §23, 39 Stat. 908, provided that no property rights exist in alcoholic liquors illegally manufactured or stored.


Section 288, act Feb. 14, 1917, ch. 53, §27, 39 Stat. 908, related to holding places which dispensed alcoholic liquor unlawfully as a nuisance.


Section 290, act Feb. 14, 1917, ch. 53, §29, 39 Stat. 908, provided that in interpretation of these provisions singular include plural and masculine include feminine.

§§ 292, 293. Omitted

Codification

Sections 292 and 293, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 292, act Apr. 13, 1934, ch. 119, §2, 48 Stat. 583, provided for manufacture and sale of intoxicating liquors.

Section 293, act Apr. 13, 1934, ch. 119, §3, 48 Stat. 584, ratified and approved act to create board of liquor control, and prescribed penalties for violation of rules and regulations of the board.

§ 301. Transferred

Codification

Section, acts Mar. 12, 1914, ch. 37, §1, 38 Stat. 305; Apr. 10, 1926, ch. 114, 44 Stat. 239; Aug. 4, 1955, ch. 554, 69 Stat. 494, which provided for location, construction and operation of railroads, and for use of passes, was transferred to section 975 of Title 43, Public Lands.


Section, act June 24, 1946, ch. 465, 60 Stat. 304, provided that funds available for operation of Alaska Railroad were available for other specified purposes.

Effective Date of Repeal
Repeal by Pub. L. 97–468 effective on date of transfer of Alaska Railroad to the State (Jan. 5, 1985), pursuant to section 1203 of Title 45, Railroads, see section 615(b) of Pub. L. 97–468.

§§ 302 to 308. Transferred

Codification

Section 302, act Mar. 12, 1914, ch. 37, §1, 38 Stat. 305, which authorized construction and maintenance of telegraph and telephone lines, was transferred to section 975a of Title 43, Public Lands.

Section 302a, act May 25, 1900, ch. 586, 31 Stat. 206, which prohibited establishment of telegraph or cable lines by foreigners, was transferred to section 17 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and was subsequently repealed.

Section 303, act Mar. 12, 1914, ch. 37, §1, 38 Stat. 305, which empowered the President to designate town sites, was transferred to section 975b of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94–579, §704(a), Oct. 21, 1976, 90 Stat. 2722.

Section 304, act Mar. 12, 1914, ch. 37, §1, 38 Stat. 505, which related to terminals, stations, and rights of way, was transferred to section 975c of Title 43.

Section 305, act Mar. 12, 1914, ch. 37, §1, 38 Stat. 505, which required patents to reserve rights of way to the United States, was transferred to section 975d of Title 43.

Section 306, act Mar. 12, 1914, ch. 37, §3, 38 Stat. 307, which provided for disposition of proceeds of lease or sale of public lands, was transferred to section 975e of Title 43.

Section 307, act Mar. 12, 1914, ch. 37, §4, 38 Stat. 307, which made mandatory certain annual reports to the President by officers, agents, or agencies covering their activities in connection with the construction and development of public utilities, was transferred to section 975f of Title 43.

Section 308, act Mar. 12, 1914, ch. 37, §4, 38 Stat. 307, which made mandatory certain annual reports to the President by officers, agents, or agencies covering their activities in connection with the construction and development of public utilities, was transferred to section 975g of Title 43.


§ 310. Repealed. Pub. L. 94–579, title VI, §615(a)(2), Jan. 14, 1983, 96 Stat. 2578, which made mandatory certain annual reports to the President by officers, agents, or agencies covering their activities in connection with the construction and development of public utilities, was transferred to section 975f of Title 43.

§ 311. Omitted

Codification

Sections 310 and 311, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 310, act May 26, 1900, ch. 586, 31 Stat. 206, allowed conduct of commercial business over military telegraph and cable lines.

Section 311, act May 23, 1941, ch. 130, §1, 55 Stat. 190, allowed payment of charges for interconnection between radio-telephone facilities of Alaska Communications System and commercial facilities to be made out of receipts of the Alaska Communications System.


Section 312a, acts July 31, 1950, ch. 510, §2, 64 Stat. 382; Aug. 13, 1953, ch. 430, §11(3), 67 Stat. 574, covered disposal of electric power produced from Eklutna project, rate and rate schedules, sale preferences, disposition of receipts, and creation of a continuing fund.

Section 312b, acts July 31, 1950, ch. 510, §3, 64 Stat. 383, authorized Secretary of the Interior to perform the
acts necessary to carry into effect Eklutna project and otherwise set out his powers and duties in connection with project.
Section 312c, act July 31, 1950, ch. 510, § 4, 64 Stat. 383, authorized and directed Secretary to report on feasibility of transferring Eklutna project, upon completion, to public ownership.
Section 312d, act July 31, 1950, ch. 510, § 5, 64 Stat. 383, authorized Secretary to delegate the powers and functions given him in connection with the Eklutna project.

**Effective Date of Repeal**

Repeal effective Oct. 2, 1997, date Eklutna was conveyed to Eklutna Purchasers, see section 19(g)(1) of Pub. L. 104–58, set out as an Alaska Power Administration Asset Sale and Termination note under section 7152 of Title 42, The Public Health and Welfare.

### §315 to 315i. Omitted

**Codification**

Sections 315 to 315i, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 315, acts May 31, 1938, ch. 296, § 1, 52 Stat. 589; July 24, 1946, ch. 610, § 1, 60 Stat. 659, authorized public school and utility districts to construct facilities, incur bonded indebtedness, and perform other defined functions.
Section 315a, acts May 31, 1938, ch. 296, § 2, 52 Stat. 589; July 24, 1946, ch. 610, § 2, 60 Stat. 659, required submission of proposal to electors before any public utility or school district could incur a bonded indebtedness.
Section 315b, act May 31, 1938, ch. 296, § 3, 52 Stat. 589, set out terms, execution, interest, and sales price of bonds of public utility or school district.
Section 315c, act May 31, 1938, ch. 296, § 4, 52 Stat. 590, laid upon governing body of each district duty of levying taxes to provide payment of interest and principal on bonds.
Section 315d, act May 31, 1938, ch. 296, § 5, 52 Stat. 590, repealed laws inconsistent with sections 315 to 315i and restricted effect of any limitation placed upon powers granted thereby to such powers and not to powers granted by any other sections.
Section 315g, acts Jan. 17, 1940, ch. 3, § 3, 54 Stat. 15; Aug. 18, 1948, Pub. L. 85–675, § 1, 72 Stat. 626, laid upon governing body of municipal corporations or public-utility or school district duty of levying taxes to retire refunding bonds.

**§321. Omitted**

**Codification**

Section 321a, act June 30, 1932, ch. 320, § 2, 47 Stat. 446, related to submission of applications.


Section 321b, act June 30, 1932, ch. 320, § 3, 47 Stat. 446, related to distribution of duties and promulgation of rules and regulation.
Section 321c, act June 30, 1932, ch. 320, § 4, 47 Stat. 446, related to submission of appropriations.
Section 321d, act June 30, 1932, ch. 320, § 5, as added July 24, 1947, ch. 313, 61 Stat. 418, required a reservation of right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures in patents and deeds.

**Effective Date of Repeal**

Repeal of sections 321a to 325 effective July 1, 1959, see section 21(d) of Pub. L. 86–70 set out as an Effective Date of Repeal of 1959 Amendment note under section 193 of Title 23, Highways.

### §§326 to 330. Omitted

**Codification**

Sections 326 to 330, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 326, acts Feb. 12, 1925, ch. 225, title II, 43 Stat. 936; June 30, 1932, ch. 320, § 1, 47 Stat. 446, related incurring of obligations for roads, bridges, and trails in advance of appropriations in certain cases.
Section 327, acts June 30, 1921, ch. 33, § 1, 42 Stat. 90; June 30, 1932, ch. 320, § 1, 47 Stat. 446, authorized Secretary of the Interior to accept contributions from Territory or from other sources for use in construction, maintenance, or repair of roads, bridges, ferries, trails, and related works in the Territory.
Section 328, act July 9, 1918, ch. 143, 40 Stat. 863, related to estimates for work on roads.
Section 330, act Apr. 27, 1914, ch. 72, 38 Stat. 366, related to per diem commutation of Army officer member of board.


Section 331, act Apr. 27, 1904, ch. 1629, 33 Stat. 391, related to road overseers and to creation of road districts.
Section 332, act Apr. 27, 1904, ch. 1629, 33 Stat. 391, related to term of office and qualification of road overseers.
Section 333, act Apr. 27, 1904, ch. 1629, 33 Stat. 392, related to duties of overseers.
Section 334, act Apr. 27, 1904, ch. 1629, 33 Stat. 392, related to work on roads.
Section 335, act Apr. 27, 1904, ch. 1629, 33 Stat. 393, related to annual report.
Section 336, act Apr. 27, 1904, ch. 1629, 33 Stat. 393, related to neglect or refusal of road overseers to perform their duties.
Section 337, act Apr. 27, 1904, ch. 1629, 33 Stat. 393, related to compensation of road overseers.
## §§ 338 to 338g. Omitted

### CODIFICATION

Sections 338 to 338g, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.


Section 338c, act Aug. 1, 1956, ch. 840, § 4, 70 Stat. 889, set out powers of Commission to conduct hearings, administer oaths and affirmations, employ experts, utilize facilities, information, and personnel of other federal departments and agencies, and use information contained in certain named surveys and plans.

Section 338d, act Aug. 1, 1956, ch. 840, § 5, 70 Stat. 889, authorized Commission to delegate its powers and duties, other than duty of submitting reports and making recommendations to Congress.

Section 338e, act Aug. 1, 1956, ch. 840, § 6, 70 Stat. 889, provided for reimbursement of Commission members for travel, subsistence, and other necessary expenses authorized to be paid for service by Commission members without compensation.


### § 341. Transferred

### CODIFICATION

Section, act Mar. 30, 1948, ch. 162, 62 Stat. 100, which made provision for occupancy and use of national-forest lands under permit and dealt with period of such permits, size of area allotted, prohibitions, and the termination of permits, was transferred to section 497 of Title 43, Conservation.

## §§ 351, 352. Transferred

### CODIFICATION

Section 351, act Mar. 3, 1889, ch. 424, § 1, 30 Stat. 1098, which extended to Territory the system of public land surveys, was transferred to section 751a of Title 43, Public Lands.

Section 352, acts Mar. 2, 1907, ch. 2507, § 4, 34 Stat. 1292; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Oct. 9, 1942, ch. 584, § 2, 56 Stat. 779, which provided for making of land surveys in Nome and Fairbanks districts, was transferred to section 751b of Title 43.


### § 353a. Transferred

Section 353a, act Mar. 1, 1938, ch. 304, 52 Stat. 593, which authorized Secretary of the Interior to reserve tracts in Alaska for school, hospitals, etc., for the Indians, Eskimos, and Aleuts of Alaska, was transferred to section 497 of Title 43, Indians, and was subsequently repealed by Pub. L. 94–579, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

Section 354, act Mar. 4, 1915, ch. 181, § 2, 38 Stat. 1215, which set aside a site for an agricultural college and school of mines, is set out as note under section 852 of Title 43, Public Lands.

Section 354a, acts Jan. 21, 1929, ch. 92, §§ 1–7, 45 Stat. 1091–1093; July 12, 1960, Pub. L. 86–630, 74 Stat. 408, which made additional grants for an agricultural college and school of mines based on certain conditions and limitations, is set out as a note under section 852 of Title 43.

Section 355, act Mar. 3, 1891, ch. 561, §§ 11, 26 Stat. 1099, which permitted lands to be entered for town-site purposes and set out the requirements for the proper execution of the trust created thereby, was transferred to section 732 of Title 43, and was subsequently repealed by Pub. L. 94–579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355a, act May 25, 1926, ch. 379, § 1, 44 Stat. 629, which authorized town-site trustee to issue a deed setting aside lands on survey of town sit for Indian or Eskimo lands, was transferred to section 733 of Title 43, and was subsequently repealed by Pub. L. 94–579, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355b, act May 25, 1926, ch. 379, § 2, 44 Stat. 630, which authorized the extension of streets and alleys across Indian or Eskimo lands, was transferred to section 734, of Title 43, and was subsequently repealed by Pub. L. 94–579, § 705(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355c, act May 25, 1926, ch. 379, § 3, 44 Stat. 630, which authorized the Secretary of the Interior to have nonmineral lands surveyed into lots and blocks, was transferred to section 735 of Title 43, and was subsequently repealed by Pub. L. 94–579, § 705(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355d, act May 25, 1926, ch. 379, §§ 4, 44 Stat. 630, which authorized the Secretary to prescribe appropriate regulations for the administration of sections 355a to 355c of this title, was transferred to section 736 of Title 43, and was subsequently repealed by Pub. L. 94–579, § 705(a), Oct. 21, 1976, 90 Stat. 2789.

Section 355e, act Feb. 28, 1948, ch. 72, 62 Stat. 35, which permitted the holding of town-site lands under unrestricted deeds by Alaska natives under certain conditions, was transferred to section 737 of Title 43.

Section 356, act June 6, 1900, ch. 786, § 27, 31 Stat. 330, which prohibited the disturbing of the occupancy of lands being occupied by Indians or other persons conducting schools or missions but expressly cautioned landowners against a construction of this section which might serve to place in force in the Territory the general land laws of the United States, was transferred to section 289a of Title 25, Indians.

Section 357, acts May 17, 1906, ch. 2469, 31 Stat. 197; Aug. 2, 1906, ch. 891, § 1(a)–(d), 70 Stat. 954, which authorized the making of homestead allotments to native Indians, Aleuts, or Eskimos, was transferred to section 270–1 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 92–203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

Section 357a, act May 17, 1906, ch. 2469, § 2, as added Aug. 2, 1906, ch. 891, § 1(e), 70 Stat. 954, which permitted allotments of land in national forests if the land was certified as chiefly valuable for agricultural or grazing uses, was transferred to section 270–2 of Title 43, and was subsequently repealed by Pub. L. 92–203, § 18(a), Dec. 18, 1971, 85 Stat. 710.
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capacity of the land for five years, was transferred to section 270–3 of Title 43, and was subsequently repealed by Pub. L. 92–203, §18(a), Dec. 18, 1971, 85 Stat. 719.

Section 358, act Mar. 3, 1891, ch. 361, §15, 26 Stat. 1101, which reserved the Annette Islands for the Metlakathla Indians, was transferred to section 495 of Title 25, Indians.

Section 358a, act May 1, 1936, ch. 234, §2, 49 Stat. 1250, which authorized the designation of land for the use of Indians or Eskimos, was transferred to section 496 of Title 25, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 359, acts May 14, 1896, ch. 299, §10, 30 Stat. 413; Oct. 28, 1921, ch. 114, §1, 42 Stat. 308; Mar. 3, 1925, ch. 462, 43 Stat. 1144, which set out the requirements of filing, publishing, and posting of proofs needed for proving claims, as well as the form and use of the affidavits, was transferred to section 270–4 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94–579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787.

Section 360, act July 3, 1926, ch. 745, §1, 44 Stat. 821, which authorized the leasing of land for the purpose of fur farming, was transferred to section 687c of Title 43. Section 361, act July 3, 1926, ch. 745, §2, 44 Stat. 822, which authorized the Secretary of the Interior to perform any and all acts necessary to carry into effect the provisions of section 360, was transferred to section 687c–1 of Title 43.

Section 362, act May 1, 1936, ch. 234, §1, 49 Stat. 1250, which called for the application to the Territory of certain statutes dealing with the conservation of Indian lands and allowed the organization of groups of Indians not recognized as bands or tribes, was transferred to section 474a of Title 25, Indians.


Section, act Oct. 17, 1940, ch. 890, §1, 54 Stat. 1192, authorized, with limitations, the sale or lease of unreserved public lands in Alaska to incorporated cities and towns in Alaska for cemetery, park, or recreational purposes.

§§ 364 to 365. Transferred

Section 364, act July 24, 1947, ch. 305, 61 Stat. 414, which authorized the legislature to provide for the exercise of zoning power in town sites, was transferred to section 738 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 364a, act Aug. 30, 1949, ch. 521, §1, 63 Stat. 670, which authorized the sale of certain public lands and set out the requirements of public auction, notice, and proof of the buyer's intention, was transferred to section 270–4 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 364b, act Aug. 30, 1949, ch. 521, §2, 63 Stat. 679, which prohibited the sale of land for less than the appraised value and the cost of making any survey to properly describe the land sold, was transferred to section 687b–1 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 364c, act Aug. 30, 1949, ch. 521, §3, 63 Stat. 679, which called for issuance of a certificate of purchase to buyers of public lands and made provision for patent in fee and issuance and contents thereof and placed the liability for mining damage upon persons prospecting for and removing minerals, was transferred to section 687b–2 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 364d, act Aug. 30, 1949, ch. 521, §4, 63 Stat. 679, which saved existing rights and limited the application of sections 364a–364e of this title, was transferred to section 687b–3 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 364e, act Aug. 30, 1949, ch. 521, §5, 63 Stat. 679, which authorized the Secretary of the Interior to make rules and regulations to carry out the purposes of section 364a to 364e of this title, was transferred to section 687b–4 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 364f, Pub. L. 88–66, July 19, 1963, 77 Stat. 80, which called for the application of equitable principles upon submission of proof of compliance with use requirements after prescribed period, was transferred to section 687b–5 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 365, act Oct. 9, 1942, ch. 584, §6, 56 Stat. 779, which provided for continuation of existing land districts and offices and made provision for making of changes in district boundaries, discontinuance of districts, and designation of land offices, was transferred to section 123a of Title 43.

§§ 366 to 367. Omitted

Section 366 to 367, which related to registers at land offices, were omitted in view of Reorg. Plan No. 3 of 1946, §403, eff. July 16, 1946, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees, which abolished the office of land register and transferred its functions to the Secretary of the Interior.

Section 366a, act Oct. 9, 1942, ch. 584, §2, 56 Stat. 779, which related to registers at land offices at Anchorage, Nome, and Fairbanks, was subsequently repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 651.

Section 366b, act Oct. 9, 1942, ch. 584, §3, 56 Stat. 779, which related to additional registers, was subsequently repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 651.


§ 367b. Transferred

Section, act June 5, 1920, ch. 235, §1, 41 Stat. 908, which related to compensation of clerks in district land offices, was limited to the appropriation act of which it was a part.

§§ 371 to 371c. Transferred

Section 371, acts May 14, 1898, ch. 299, §1, 30 Stat. 409; Mar. 3, 1903, ch. 1002, 32 Stat. 1028; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Apr. 29, 1950, ch. 137, §1, 64 Stat. 94; Aug. 2, 1955, ch. 496, §1, 69 Stat. 444, which extended the homestead laws to Alaska, was transferred to section 270 of Title 43, Public Lands.

Section 371a, act Apr. 29, 1950, ch. 137, §2, 64 Stat. 95, which required the filing of notice of location by all persons maintaining a settlement claim on public land on April 29, 1950 if notice of location had not previously been filed, was transferred to section 270–5 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 371b, act Apr. 29, 1950, ch. 137, §3, 64 Stat. 95, which specified the effect of failing to file the notice of
settledment required by section 371a of this title, was transferred to section 270–6 of Title 43, and was subsequently repealed by Pub. L. 94–579, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section 371c, acts Apr. 29, 1918, ch. 137, §4, 40 Stat. 95; July 11, 1956, ch. 571, §2, 70 Stat. 529, which provided for final or homestead proof on unsurveyed land as a basis for sale, is omitted in view of admission of Alaska into the Union.

§372. Omitted

CODIFICATION

Section acts June 5, 1920, ch. 265, 41 Stat. 1059; Aug. 3, 1955, ch. 496, §3, 69 Stat. 444, which modified restrictions upon location of homestead sites, was omitted in view of admission of Alaska into the Union.

§§373 to 385. Transferred

CODIFICATION

Section acts July 8, 1916, ch. 228, §1, 39 Stat. 352; June 29, 1918, ch. 110, 40 Stat. 632, which set a limit on the amount of homestead entires, was transferred to section 270–8 of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94–579, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section, acts July 8, 1916, ch. 228, §1, 39 Stat. 352; June 28, 1918, ch. 110, 40 Stat. 632, which permitted a homestead entry in another state or territory, was transferred to section 270–10 of Title 43, and was subsequently repealed by Pub. L. 94–579, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section, acts July 8, 1916, ch. 228, §2, as added June 28, 1918, ch. 110, 40 Stat. 633; amended Oct. 28, 1921, ch. 114, §1, 42 Stat. 206; Mar. 3, 1925, ch. 462, 43 Stat. 1144; July 11, 1956, ch. 571, §1, 70 Stat. 528, which made provision for proof of entry on unsurveyed lands, was transferred to section 270–10 of Title 43, and was subsequently repealed by Pub. L. 94–579, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section, acts Aug. 3, 1955, ch. 496, §3, 69 Stat. 444, which covered claims on land containing coal, oil, and gas, was transferred to section 270–11 of Title 43, and was subsequently repealed by Pub. L. 94–579, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section, acts Mar. 8, 1922, ch. 96, §1, 42 Stat. 415; Aug. 23, 1938, Pub. L. 85–725, §1, 72 Stat. 730, which covered claims on land containing coal, oil, and gas, was transferred to section 270–11 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §§703(a), Oct. 21, 1976, 90 Stat. 2789.

Section, acts June 5, 1920, ch. 265, 41 Stat. 1059; Aug. 3, 1955, ch. 496, §3, 69 Stat. 444, which prescribed the fees for filing proofs of work and permitting adverse claims provided for in sections 29 and 30 of Title 30, was transferred to section 270–12 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §§703(a), Oct. 21, 1976, 90 Stat. 2789.

Section, acts July 8, 1916, ch. 228, §2, as added June 28, 1918, ch. 110, 40 Stat. 633; amended Oct. 28, 1921, ch. 114, §1, 42 Stat. 206; Mar. 3, 1925, ch. 462, 43 Stat. 1144; July 11, 1956, ch. 571, §1, 70 Stat. 528, which made provision for proof of entry on unsurveyed lands, was transferred to section 270–10 of Title 43, and was subsequently repealed by Pub. L. 94–579, §703(a), Oct. 21, 1976, 90 Stat. 2789.

Section, acts Aug. 3, 1955, ch. 496, §3, 69 Stat. 444, which covered claims on land containing coal, oil, and gas, was transferred to section 270–11 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, §§703(a), Oct. 21, 1976, 90 Stat. 2789.


Section, act June 7, 1910, ch. 265, 36 Stat. 459, permitted adverse claims provided for in sections 29 and 30 of Title 30, Mineral Lands and Mining, to be filed at any time during the 60 days' period of publication or within eight months thereafter, and adverse suits provided for in section 30 of Title 30, to be instituted at any time within 60 days after the filing of said claims in the local land office.

§§387 to 391. Repealed. May 4, 1934, ch. 211, §1, 48 Stat. 663

Section, act Aug. 1, 1912, ch. 269, §1, 37 Stat. 242, related to limitations on placer-mining claims.

Section, act Aug. 1, 1912, ch. 269, §2, 37 Stat. 243, related to restrictions on power of attorney to locate placer-mining claims.

Section, act Aug. 1, 1912, ch. 269, §§3, 37 Stat. 243, related to restrictions on placer locations.


Section, act Aug. 1, 1912, ch. 269, §§5, 37 Stat. 243, related to placer locations in violation of law.

See, now, sections 35 to 37 of Title 30, Mineral Lands and Mining.

§392. Omitted

CODIFICATION

Section, act May 14, 1898, ch. 299, §13, 30 Stat. 415, which provided for reciprocity with Canada as to mining rights, was omitted in view of the admission of Alaska into the Union.
§§ 395 to 405. Omitted

CODIFICATION

Sections 395 to 405, relating to the Territory of Alaska, were omitted in view of the admission of Alaska into the Union.

Section 395, act June 25, 1910, ch. 222, §1, 36 Stat. 848, authorized a miners' labor lien on output, and provided for its priority.

Section 396, act June 25, 1910, ch. 222, §2, 36 Stat. 848, required the filing of the claim of the lien, and prescribed the form of the claim.

Section 397, act June 25, 1910, ch. 222, §3, 36 Stat. 849, directed the recorder to record claims of lien.

Section 398, act June 25, 1910, ch. 222, §4, 36 Stat. 849, prescribed the duration of the lien.

Section 399, act June 25, 1910, ch. 222, §5, 36 Stat. 849, prescribed the procedure for foreclosure of the liens.

Section 400, act June 25, 1910, ch. 222, §6, 36 Stat. 849, authorized defects in lien notice or in proceedings to foreclose to be cured by amendment.

Section 401, act June 25, 1910, ch. 222, §7, 36 Stat. 850, prescribed certain procedures in proceedings to foreclose liens, and permitted intervention by adverse claimants.

Section 402, act June 25, 1910, ch. 222, §8, 36 Stat. 850, provided for joinder of plaintiffs, consolidation of actions, and waiver of lien.

Section 403, act June 25, 1910, ch. 222, §9, 36 Stat. 850, required judgment for claimants, and provided for its enforcement.

Section 404, act June 25, 1910, ch. 222, §10, 36 Stat. 851, permitted appeals from final judgments of justices of the peace in actions under sections 395 to 405 of this title.

Section 405, act June 25, 1910, ch. 222, §11, 36 Stat. 851, prescribed the criminal liability for buying, removing, etc., minerals with notice of lien.

§§ 411 to 423. Transferred

CODIFICATION

Section 411, act May 14, 1898, ch. 299, §2, 30 Stat. 409, which granted railroads rights of way, reserved mineral interests therein, and directed posting of schedules of rates, was transferred to section 942-1 of Title 43, Public Lands.

Section 412, act May 14, 1898, ch. 299, §3, 30 Stat. 410, which provided for rights of several roads through canyons, was transferred to section 942-2 of Title 43.

Section 413, acts June 2, 1864, ch. 216, §3, 13 Stat. 357; May 14, 1898, ch. 299, §4, 30 Stat. 410, which granted the right of condemnation to railroads, was transferred to section 942-3 of Title 43.

Section 414, act May 14, 1898, ch. 299, §4, 30 Stat. 410, which related to the effect of filing of the preliminary survey, was transferred to section 942-4 of Title 43.

Section 415, act May 14, 1898, ch. 299, §5, 30 Stat. 410, which required railroads to file maps of the location of their roads, was transferred to section 942-5 of Title 43.

Section 416, act May 14, 1898, ch. 299, §6, 30 Stat. 411, which provided for right of way for wagon roads, wire rope, aerial, or other tramways, reserved mineral interests, and limited tolls, was transferred to section 942-6 of Title 43.

Section 417, act May 14, 1898, ch. 299, §7, 30 Stat. 412, which made sections 411 to 419, 421, 423, and 461 to 465 of this title inapplicable to military parks, Indian, and other reservations, was transferred to section 942-7 of Title 43.

Section 418, act May 14, 1898, ch. 299, §8, 30 Stat. 412, which reserved the right of repeal or amendment, was transferred to section 942-8 of Title 43.

Section 419, act May 14, 1898, ch. 299, §9, 30 Stat. 413, which related to the map of location of roads, was transferred to section 942-9 of Title 43.

Section 420, act Aug. 1, 1910, §1, 36 Stat. 898, which related to public lands within highway, telephone, and pipeline withdrawals and authorized amend-
Section 440, acts Oct. 20, 1914, ch. 330, § 6, 38 Stat. 743; Feb. 21, 1944, ch. 18, 58 Stat. 18, related to property leased, limitation of amount, and forfeiture of excess. See sections 184(a), (g), and (h) and 201 et seq. of Title 30.

Section 441, acts Oct. 20, 1914, ch. 330, § 7, 38 Stat. 743; Feb. 21, 1944, ch. 18, 58 Stat. 18, provided for punishment when exceeding authorized interest.

Section 442, acts Oct. 20, 1914, ch. 330, § 8, 38 Stat. 743; Feb. 21, 1944, ch. 18, 58 Stat. 18, prescribed criminal liability of officers and agents of corporations or associations violating the law.

Section 443, act Oct. 20, 1914, ch. 330, § 8a, 38 Stat. 743, related to forfeiture of lease for violation of law. See section 184(k) of Title 30, Mineral Lands and Mining.

Section 444, acts Oct. 20, 1914, ch. 330, § 3, 38 Stat. 742; Mar. 4, 1921, ch. 152, 41 Stat. 1363, related to prospecting permits and leases to prospectors. See section 201(b) of Title 30.


§ 445a. Transferred
CODIFICATION
Section, act July 19, 1922, ch. 513, 47 Stat. 707, which permitted purchase of coal from two or more mines adjacent to the Alaska Railroad, was transferred to section 208a of Title 30, Mineral Lands and Mining, and subsequently repealed by Pub. L. 97–468, title VI, § 307, 96 Stat. 1924, related to possession of lessees as possession of the United States.


§ 453. Transferred
CODIFICATION
Section, act May 28, 1908, ch. 211, § 2, 35 Stat. 424, which related to preference right of United States to purchase of coal for Army and Navy, was transferred to section 195a of Title 30, Mineral Lands and Mining.

§§ 455 to 456h. Omitted
CODIFICATION
Sections 455 to 456h, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 455, Pub. L. 85–303, § 1, Sept. 7, 1957, 71 Stat. 623, related to definitions as used in sections 455 to 455e of this title.


Section 455d, Pub. L. 85–303, § 5, Sept. 7, 1957, 71 Stat. 625, provided that prior claims be unaffected by sections 455 to 455e of this title.


Section 455f, Pub. L. 85–505, § 1, July 3, 1958, 72 Stat. 322, related to definitions as used in sections 456 to 456h of this title.

Section 455g, Pub. L. 85–505, § 2, July 3, 1958, 72 Stat. 323, related to lease of oil and gas deposits in lands beneath nontidal navigable waters.


Section 455j, Pub. L. 85–505, § 5, July 3, 1958, 72 Stat. 323, related to rights to take natural resources from waters and to navigational servitudes.


Section 455m, Pub. L. 85–505, § 8, July 3, 1958, 72 Stat. 324, related to venue of proceedings affecting leases.


§§ 461 to 466. Transferred
CODIFICATION
Section 461, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413; Mar. 3, 1927, ch. 323, 44 Stat. 1364; May 26, 1934, ch. 357, 48 Stat. 809; Aug. 23, 1938, Pub. L. 80–725, § 3, 52 Stat. 730, which related to rights to purchase for trade or manufacture lands in the Territories, prescribed the price and limit of acreage, and limited the amount of land permitted to be purchased, was transferred to section 687a of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2769.

Section 462, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413; Mar. 3, 1927, ch. 323, 44 Stat. 1364; May 26, 1934, ch. 357, 48 Stat. 809; Aug. 23, 1938, Pub. L. 80–725, § 3, 52 Stat. 730, which related to rights to purchase for trade or manufacture lands in the Territories, prescribed the price and limit of acreage, and limited the amount of land permitted to be purchased, was transferred to section 687a of Title 43, Public Lands, and was subsequently repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2769.

Section 463, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413, which related to several claimants of same tract, was transferred to section 687a–2 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2769.

Section 464, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413, which related to several claimants of same tract, was transferred to section 687a–2 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2769.

Section 465, acts May 14, 1898, ch. 299, § 10, 30 Stat. 413, which related to several claimants of same tract, was transferred to section 687a–2 of Title 43, and was subsequently repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2769.

§§ 471 to 471o. Transferred
CODIFICATION
Section 471, act Mar. 4, 1927, ch. 513, § 1, 44 Stat. 1452, which declared Congressional policy towards grazing
districts and privileges, was transferred to section 316 of Title 43, Public Lands.

Section 471a, act Mar. 4, 1927, ch. 513, § 2, 44 Stat. 1452, which defined terms "person", "district", "Secretary" and "lessee", was transferred to section 316a of Title 43.

Section 471b, act Mar. 4, 1927, ch. 513, § 3, 44 Stat. 1452, which gave the Secretary the power to establish grazing districts, was transferred to section 316b of Title 43.

Section 471c, act Mar. 4, 1927, ch. 513, § 4, 44 Stat. 1452, which provided for the alteration of grazing district, was transferred to section 316c of Title 43.

Section 471d, act Mar. 4, 1927, ch. 513, § 5, 44 Stat. 1453, which provided for the giving of notice of the establishment of grazing districts, was transferred to section 316d of Title 43.

Section 471e, act Mar. 4, 1927, ch. 513, § 6, 44 Stat. 1453, which authorized the giving of preferences in considering the applications to lease grazing lands, was transferred to section 316e of Title 43.

Section 471f, act Mar. 4, 1927, ch. 513, § 7, 44 Stat. 1453, which provided for the terms and conditions of leases for grazing lands, was transferred to section 316f of Title 43.

Section 471g, act Mar. 4, 1927, ch. 513, § 8, 44 Stat. 1453, which authorized the Secretary to determine for each lease, the grazing fee, was transferred to section 316g of Title 43.

Section 471h, act Mar. 4, 1927, ch. 513, § 9, 44 Stat. 1453, which provided for the disposition of receipts for grazing fees, was transferred to section 316h of Title 43.

Section 471i, act Mar. 4, 1927, ch. 513, § 10, 44 Stat. 1453, which provided for the assignment of leases by the lessee, was transferred to section 316i of Title 43.

Section 471j, act Mar. 4, 1927, ch. 513, § 11, 44 Stat. 1454, which provided for improvements by the lessee of any area included within the provisions of his lease, was transferred to section 316j of Title 43.

Section 471k, act Mar. 4, 1927, ch. 513, § 12, 44 Stat. 1454, which prohibited the grazing of animals on grazing district land without a lease or other permission and set the penalty for violation of the section, was transferred to section 316k of Title 43.

Section 471l, act Mar. 4, 1927, ch. 513, § 13, 44 Stat. 1454, which made provision for hearing and appeals from decisions of Interior Department employees regarding grazing privileges, was transferred to section 316l of Title 43.

Section 471m, act Mar. 4, 1927, ch. 513, § 14, 44 Stat. 1454, which made provision for lease or other permits for mining minerals in the areas included within the provisions of the laws of this title, was transferred to section 316m of Title 43.

Section 471n, act Mar. 4, 1927, ch. 513, § 15, 44 Stat. 1455, which authorized the Secretary of the Interior to promulgate rules and regulations necessary to the administration of sections 471 to 471o of this title, appoint employees, make expenditures, and investigate, experiment, and improve the reindeer industry and cooperate in the development of plant and animal life, was transferred to section 316n of Title 43.

Section 471o, act Mar. 4, 1927, ch. 513, § 16, 44 Stat. 1455, which continued in force and effect laws applicable to lands or resources in the same manner as they had applied prior to enactment of sections 471 to 471o of this title with regard to ingress and egress upon lands for any authorized purpose including prospecting for and mining extraction of minerals, was transferred to section 316o of Title 43.


Section 472, act Mar. 27, 1928, ch. 251, § 1, 45 Stat. 371, related to disposition of abandoned military reservations in Alaska, including signal corps stations and rights-of-way.


§§ 473 to 484d. Omitted

CODIFICATION

Sections 473 to 484d, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 473, act Dec. 31, 1941, ch. 644, § 1, 55 Stat. 879, established the Alaska militia.

Section 474, act Dec. 31, 1941, ch. 644, § 2, 55 Stat. 879, exempted from militia service all persons exempted by laws of the United States, judges of several courts of the Territory, and members and officers of Alaska Territorial Legislature.

Section 475, act Dec. 31, 1941, ch. 644, § 3, 55 Stat. 879, established Alaska National Guard.

Section 476, act Dec. 31, 1941, ch. 644, § 4, 55 Stat. 879, gave Governor of Territory of Alaska as ex officio commander of militia, like command of Alaska National Guard while not in Federal service.

Section 477, act Dec. 31, 1941, ch. 644, § 5, 55 Stat. 880, provided for appointment of Adjutant General of Territory of Alaska.

Section 478, act Dec. 31, 1941, ch. 644, § 6, 55 Stat. 880, provided for ratification and confirmation of existing military forces.

Section 479, act Dec. 31, 1941, ch. 644, § 7, 55 Stat. 880, gave Governor power to organize a Territorial Guard during time that Alaska National Guard might be under Federal service.

Section 480, acts July 18, 1950, ch. 466, title I, § 101, 64 Stat. 344; Aug. 11, 1950, ch. 783, title I, § 107(3), (7), (9), 69 Stat. 637, 638, authorized government of Alaska to create a public corporate authority to undertake slum clearance and urban redevelopment projects.

Section 480a, acts July 18, 1950, ch. 466, title I, § 102, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, § 107(3), 69 Stat. 637, authorized government of Alaska to assist slum clearance and urban redevelopment through cash donations, loans, conveyances of real and personal property, facilities and services.

Section 480b, act July 18, 1950, ch. 466, title I, § 103, 64 Stat. 345, ratified all legislation enacted prior thereto by Legislature of Territory of Alaska.

Section 481, acts July 21, 1941, ch. 311, § 1, 55 Stat. 601; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, authorized Legislature to create public corporate authorities to undertake slum clearance and urban redevelopment projects to provide dwelling accommodations for families of low income and for persons (and their families) engaged in national-defense activities.

Section 482, acts July 21, 1941, ch. 311, § 2, 55 Stat. 602; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, authorized Legislature of Territory of Alaska to provide for appointment of Commissioners.

Section 483, acts July 21, 1941, ch. 311, § 3, 55 Stat. 602; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, authorized Legislature of Territory of Alaska to issue bonds or other obligations with such security and in such manner as the legislature may provide.

Section 483a, act July 21, 1941, ch. 311, § 4, 55 Stat. 602; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, ratified all prior acts enacted by Legislature of Territory of Alaska.

Section 483b, act July 21, 1941, ch. 311, § 5, 55 Stat. 602; July 18, 1950, ch. 466, title II, § 201(a), 64 Stat. 345, granted additional powers to Legislature of Territory of Alaska.


Section 484a, act Apr. 23, 1949, ch. 89, § 4, 63 Stat. 59, authorized Housing and Home Finance Agency to provide technical advice and information and to cooperate with and assist the Alaska Housing Authority.

Section 484b, act Apr. 23, 1949, ch. 89, § 5, 63 Stat. 69, provided for retention of permanent housing by the Housing and Home Finance Administrator.

Section 484c, act Apr. 23, 1949, ch. 89, § 6, 63 Stat. 60, authorized transfer of real or personal property of
other Government departments or agencies to Alaska Housing Authority.

Section 484d, act June 27, 1934, ch. 847, title II, §214, as added Apr. 23, 1949, ch. 89, §2(a), 63 Stat. 57, and amended, related to insurance of mortgages on property in Alaska. See section 1715d of Title 12, Banks and Banking.


§§485 to 486j. Omitted

CODIFICATION

Sections 485 to 486, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 485, acts May 28, 1948, ch. 354, §1, 62 Stat. 227; Aug. 23, 1958, Pub. L. 85–503, title XIV, §1402(d)(1), 72 Stat. 807, authorized Administrator of Civil Aeronautics to construct, protect, operate, improve, and maintain within Territory of Alaska a public airport at or near Anchorage and a public airport at or near Fairbanks.

Section 485a, act May 28, 1948, ch. 354, §2, 62 Stat. 278, authorized Administrator of Civil Aeronautics to acquire by purchase, lease, condemnation or otherwise such lands and appurtenances necessary for construction, protection, maintenance, improvement, and operation of said airports.

Section 485b, act May 28, 1948, ch. 354, §3, 62 Stat. 278, authorized Administrator to acquire rights-of-way or easements for roads, trails, pipe lines, power lines and other similar facilities necessary for operation of airports, and to construct any public highways and bridge to whatever airport locations may be selected.


Section 485e, act May 28, 1948, ch. 354, §6, 62 Stat. 278, authorized Administrator to contract with any person for performance of services at or upon airports.


Section 485g, act May 28, 1948, ch. 354, §8, 62 Stat. 278, provided for penalties for violations of any rule, regulation or order issued by Administrator.

Section 485h, act May 28, 1948, ch. 354, §9, 62 Stat. 279, prescribed definitions used in sections 485 to 485h of this title, should be defined assigned by the Civil Aeronautics Act of 1938, as amended.

Section 486, act Aug. 24, 1949, ch. 504, §2, 63 Stat. 627, declared Congressional purpose of sections 486 to 486j of this title was to foster settlement and increase permanent residents of Alaska.

Section 486a, act Aug. 24, 1949, ch. 504, §3, 63 Stat. 627, authorized Secretary of the Interior to accept applications for public works.

Section 486b, act Aug. 24, 1949, ch. 504, §4, 63 Stat. 627, authorized Secretary to include works from other Federal agencies in the public works program.


Section 486d, act Aug. 24, 1949, ch. 504, §6, 63 Stat. 628, set out authority and powers of applicants for public work.

Section 486e, act Aug. 24, 1949, ch. 504, §7, 63 Stat. 629, provided for cooperation between other Federal agencies and Secretary, and the transfer of jurisdiction from other Federal agencies to Secretary.

Section 486f, act Aug. 24, 1949, ch. 504, §8, 63 Stat. 629, authorized Secretary to provide public works through the award of contracts.

Section 486g, act Aug. 24, 1949, ch. 504, §9, 63 Stat. 629, directed that all moneys received by Secretary should be covered into Treasury as miscellaneous receipts.

Section 486h, act Aug. 24, 1949, ch. 504, §10, 63 Stat. 629, authorized Secretary to utilize and act through other Federal agencies.

Section 486i, act Aug. 24, 1949, ch. 504, §11, 63 Stat. 624, provided for appropriations to carry out purposes of sections 486 to 486j.


§§487 to 487b. Transferred

CODIFICATION

Section 487, act Aug. 9, 1955, ch. 682, §1, 69 Stat. 618, which authorized Secretary to make investigations of projects for conservation, development, and utilization of water resources of Alaska, was transferred to section 1962d–12 of Title 42, The Public Health and Welfare.

Section 487a, act Aug. 9, 1955, ch. 682, §2, 69 Stat. 618, which provided for solicitation of views and recommendations by Governor of Alaska or his representative, to Secretary and for transmittal of Secretary’s report to Congress, was transferred to section 1962d–13 of Title 42.

Section 487b, act Aug. 9, 1955, ch. 682, §3, 69 Stat. 618, which authorized appropriation up to $250,000 in any one year, was transferred to section 1962d–14 of Title 42.

§§488 to 488f. Omitted

CODIFICATION

Sections 488 to 488f, relating to Territory of Alaska, were omitted in view of admission of Alaska into the Union.

Section 488, act May 10, 1956, ch. 248, §1, 70 Stat. 149, authorized Territory of Alaska to borrow for public improvements and to issue bonds of Territory for such borrowing.

Section 488a, act May 10, 1956, ch. 248, §2, 70 Stat. 149, placed limitations on Territory in contracting debts.

Section 488b, act May 10, 1956, ch. 248, §3, 70 Stat. 150, made provisions for type of land to be issued, scheduling of maturity of bonds, payment of bonds, redemption of bond, and refunding.

Section 488c, act May 10, 1956, ch. 248, §4, 70 Stat. 150, authorized the Territory to borrow on the credit of the Territory and to issue certificates of indebtedness.

Section 488d, act May 10, 1956, ch. 248, §5, 70 Stat. 150, provided for issuance of bonds and certificates as negotiable instruments.

Section 488e, act May 10, 1956, ch. 248, §6, 70 Stat. 150, authorized payment of interest on principal of bonds and certificates of indebtedness as they fall due.

Section 488f, act May 10, 1956, ch. 248, §7, 70 Stat. 150, authorized guarantee of payment on municipality and public utility district bonds.

CHAPTER 3—HAWAII

Sec. 491 to 636. Repealed or Omitted.

DISTRICT COURT

641 to 644. Repealed.

644a. Jurisdiction of district court of cases arising on or within Midway, Wake, Johnston, Sand, etc., Islands; laws applicable to jury trials.

645 to 724. Repealed or Omitted.
HAWAII STATEHOOD

Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, as amended, provided:

Sec. 1. Declaration: acceptance, ratification, and confirmation of Constitution. [That, subject to the provisions of this Act, and upon issuance of the proclamation required under section 7(c) of this Act, the State of Hawaii is thereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled 'An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor', approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1958, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.]

Sec. 2. [Territory.] The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act (March 18, 1959), except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Sec. 3. [Constitution.] The constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Sec. 4. [Compact with United States.] As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and as provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the Hawaiian home funds, not be repugnant to the Constitution of the United States, and the Hawaiian home-development fund may be amended, in the manner required for State legislation, but the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the 'available lands', as defined by said Act, shall be used only in carrying out the provisions of said Act.

Sec. 5. [Title to property.] The title to property, as the case may be, shall be held by said State as a public trust for the support of any sectarian or denominational school, college, or university.

Sec. 6. [Support of schools.] The schools and other educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

Sec. 7. [Constitutional amendments.] (a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the United States title to all the public lands and other public property, and to all lands defined as 'available lands' by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, of permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States.

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

(g) As used in this Act, the term 'lands and other properties' includes public lands and other public property, and the term 'public lands and other public property' means, and is limited to, the lands and grants; reservations; appurtenances; and property that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation ap-
proposed July 7, 1896 (30 Stat. 750), or that have been
acquired in exchange for lands or properties so ceded.

“(b) All laws of the United States reserving to the
United States the free use or enjoyment of property
which vests in or is conveyed to the State of Hawaii or
its political subdivisions pursuant to subsection (a),
(b), or (e) of this section or reserving the right to alter,
amend, or repeal laws relating thereto shall cease to be
effective upon the admission of the State of Hawaii
into the Union.

“(i) The Submerged Lands Act of 1953 (Public Law 31,
Eighty-third Congress, first session; 67 Stat. 29) and the
Outer Continental Shelf Lands Act of 1953 (Public
Law 212, Eighty-third Congress, first session; 67 Stat. 462)
shall be applicable to the State of Hawaii, and the said
State shall have the same rights as do existing States
thereunder. (As amended Pub. L. 86-624, §41, July 12,
1960, 74 Stat. 422.)

“SEC. 6. [Certification by President; proclamation for
elections.] As soon as possible after the enactment of
this Act, it shall be the duty of the President of the
United States to certify such fact to the Governor of
the Territory of Hawaii. Thereupon the Governor of the
Territory shall, within thirty days after receipt of the
official notification of such approval, issue his procla-
mation for the elections, as hereinafter provided, for
officers of all State elective offices provided for by
the constitution of the proposed State of Hawaii, and for
two Senators and one Representative in Congress. In
the first election of Senators from said State the two
senatorial offices shall be separately identified and des-
ignated, and no person may be a candidate for both
offices. No identification or designation of either of
the two senatorial offices, however, shall refer to or be
taken to refer to the term of that office, nor shall any
such identification or designation in any way impair
the privilege of the Senate to determine the class to
which each of the Senators elected shall be assigned.

“SEC. 7. [Election of officers; date; propositions; cer-
tification of voting results; proclamation by Presi-
dent.] (a) The proclamation of the Governor of Hawaii
required by section 6 shall provide for the holding of a
primary election and a general election and at such
elections the officers required to be elected as provided
in section 6 shall be chosen by the people. Such elec-
tions shall be held, and the qualifications of voters
thereat shall be, as prescribed by the constitution of
the proposed State of Hawaii for the election of mem-
ers of the proposed State legislature. The returns
thereof shall be made and certified in such manner as
the constitution of said State shall require. The
Governor of Hawaii shall certify the results
of said elections, as so ascertained, to the Presi-
dent of the United States.

“(b) At an election designated by proclamation of the
Governor of Hawaii, which may be either the primary
or the general election held pursuant to subsection (a)
of this section, or a Territorial general election, or a
special election, there shall be submitted to the electors
qualified to vote in said election, for adoption or
rejection, the following propositions:

“1. Shall Hawaii immediately be admitted into the
Union as a State?

“2. The boundaries of the State of Hawaii shall be
as prescribed in the Act of Congress approved
(Date of approval of this Act) and all claims of this State
to any areas of land or sea out-
side the boundaries so prescribed are hereby irrev-
ocably relinquished to the United States.

“3. All provisions of the Act of Congress approved
(Date of approval of this Act) res-
serving rights or powers to the United States, as well
as those prescribing the terms or conditions of the
governing of lands or other property now or hereinafter
to the State of Hawaii are consented to fully by said State
and its people.

“In the event the foregoing propositions are adopted
by popular vote by a majority of the legal votes cast
on said State of Hawaii, ratified by the people at the elec-
tion held submission, the proposed constitution of the
proposed on November 7, 1950, shall be deemed amended
as follows: Section 1 of article XIII of said proposed
constitution shall be deemed amended so as to contain
the language of section 2 of this Act in lieu of any
other language; article XI shall be deemed to include
the provisions of section 4 of this Act; and section 8 of
article XIV shall be deemed amended so as to contain
the language of section 10 of this Act in lieu of any
other language, and section 10 of article XVI
shall be deemed amended by inserting the words ‘at
which offices for all State elective offices provided for
by this constitution and two Senators and one Repre-
sentative in Congress shall be nominated and elected’
in lieu of the words ‘at which offices for all State elec-
tive offices provided for by this constitution shall be
nominated and elected; but the officers so nominated
shall in any event include two Senators and two Repre-
sentatives to the Congress, and unless and until
otherwise required by law, said Representatives shall
be elected at large.

“In the event the foregoing propositions are not
adopted at said election by a majority of the legal
votes cast on said submission, the provisions of this
Act shall cease to be effective.

“The Governor of Hawaii is hereby authorized and di-
rected to take such action as may be necessary or ap-
propriate to insure the submission of said propositions
to the people. The return of the votes cast on said
propositions shall be made by the election officers direc-
tly to the Secretary of Hawaii, who shall certify the re-
sults of the submission to the Governor. The Governor
shall certify the results of said submission, as so ascer-
tained, to the President of the United States.

“(c) If the President shall find that the propositions
set forth in the preceding subsection have been duly
adopted by the people of Hawaii, the President, upon
certification of the returns of the election of the offi-
cers required to be elected as provided in section 6 of
this Act, shall thereupon issue his proclamation an-
nouncing the results of said election as so ascertained.

“Upon the issuance of said proclamation by
the President of the United States, the Territory of Hawaii
shall, within thirty days after receipt of the]

"(3) If the President shall find that the propositions
shall such temporary increase affect the basis of appor-
tionment established by the Act of November 8, 1911
(55 Stat. 761; 2 U.S.C., sec. 2a), for the Thirty-first
Congress and each Congress thereafter.

"S"C. 8. [House of Representatives membership.] The
State of Hawaii upon its admission into the Union shall
be entitled to one Representative until the taking ef-
fec of the next reapportionment, and such Representa-
tive shall be in addition to the membership of the
House of Representatives as now prescribed by law: Pro-
duced, That such temporary increase in the membership
shall not operate to either increase or decrease the per-
mament membership of the House of Representatives as
prescribed in the Act of August 8, 1911 (37 Stat. 13),
shall such temporary increase affect the basis of appor-
tionment established by the Act of November 8, 1911
(55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third
Congress and each Congress thereafter.
"SEC. 9. (Judicial provisions; amendment.) Effective upon the admission of the State of Hawaii into the Union—

"(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: Provided, however, That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

"(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

"(c) subsection (a) of section 194 of title 28, United States Code, is amended by striking out the words 'Hawaii and'. The second sentence of the same section is amended by striking out the words 'Hawaii and', 'six and', and 'respectively'.

"SEC. 10. (Judicial provisions; amendment.) Effective upon the admission of the State of Hawaii into the United States, this section and the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words 'including the district courts of the United States for the districts of Hawaii and Puerto Rico,' and inserting in lieu thereof the words 'including the United States District Court for the District of Puerto Rico',

"SEC. 11. (Judicial provisions; amendment.) Effective upon the admission of the State of Hawaii into the Union—

"(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

"(b) the first sentence of subsection (a) of section 501 of title 28, United States Code, is amended by striking out at the end thereof the words ', except in the district of Hawaii, where the term shall be six years';

"(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words ', except in the district of Hawaii where the term shall be six years'; and

"(d) subsection (d) of section 541 of title 28, United States Code, is repealed.

"SEC. 12. (Continuance of suits.) No writ, action, indictment, cause, or proceeding pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or as shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no writ, action, indictment, cause or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such writ, action, indictment, cause or proceeding shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

"Any causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no writ, action, indictment or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like man-

ner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

"SEC. 13. (Appeals.) Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State into the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appellate review and of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in cases pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

"SEC. 14. (Judicial and criminal provisions; amendment.) Effective upon the admission of the State of Hawaii into the Union—

"(a) title 28, United States Code, section 1252, is amended by striking out the words 'Hawaii and' from the clause relating to courts of record;

"(b) title 28, United States Code, section 1253, is amended by striking out the words 'First and Ninth Circuits' and by inserting in lieu thereof the words 'Territory Circuit', and by striking out the words, 'supreme courts of Puerto Rico and Hawaii, respectively' and inserting in lieu thereof 'supreme court of Hawaii';

"(c) title 28, United States Code, section 1294, as amended, is further amended by striking out paragraph (4) thereof and by renumbering paragraphs (5) and (6) accordingly;

"(d) the first paragraph of section 373 of title 28, United States Code, as amended, is further amended by striking out the words 'United States District Courts for the districts of Hawaii or Puerto Rico,' and inserting in lieu thereof the words 'United States District Court for the District of Puerto Rico'; and by striking out the words 'and any justice of the Supreme Court of the Territory of Hawaii': Provided, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: And provided further, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii shall be for a term of six years:

"(e) section 92 of the act of April 30, 1900 (ch. 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;
acted by the Territorial Legislature of Hawaii) all laws
whichever may occur first. As used in this section, the
not 'Territorial laws' as defined in this paragraph, and
by the State of Hawaii which amends or repeals it,
cept as herein otherwise provided, a Territorial law en-
Congress to provide for the government of Hawaii prior
not 'Territorial laws' as defined in this paragraph, and
(3) are not in conflict with any other provision of this
Hawaii, except as modified or changed by this Act or by
the Constitution of the State, and shall be subject to
except laws of the United States shall have the same
except as herein otherwise provided, a Territorial law en-
the Congress shall be terminated two years after
大地 into the Union or upon the effective date of any law enacted
by the State of Hawaii which amends or repeals it,
vested in this Act shall be construed as depriving the Federal
the Hawaiian Homes Commission Act, 1920, as amended
shall have the same force and effect within the said States as
the Hawaiian Homes Commission Act, 1920, as amended,
and the laws of the United States shall have the same
except as herein otherwise provided, a Territorial law en-
Act of April 19, 1930 (46 Stat. 227), and saving, fur-
propositions, whether such lands were acquired by cession and
by purchase, condemnation, donation, exchange, or otherwise:
the said State but outside of the said tracts or parcels of land; (ii)
(c) the second paragraph of section 714 of the Merchant
not operate to prevent such lands from being a part of the
States, any jurisdiction whatsoever which it
in this Act shall operate to confer United States
other than by purchase, condemnation, donation, exchange,
or proclamation of the President of the United States, or to
ment over the lands aforesaid shall not operate to prevent such lands from being a part of the
the United States for the exercise by the Congress of the United States of the power of ex-
ricism over or upon such lands, concurrently with the
the United States, any jurisdiction whatsoever which it
visceness over or upon such lands, concurrently with the
the specific grants of the United States by law:
and exclusive legislation over the area which may
exclusive legislation over the area which may
and exclusive jurisdiction over the United States:
States; Provided, That, except as herein otherwise provided, a Territorial law en-
the Congress shall be terminated two years after
the admission of said State, are controlled or owned by the
States, subject to the proviso remaining
rural subdivisions where they respectively reside.
the exercise by the Congress of the United States of the power of exclusive legislation, as provided
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the exercise by the Congress of the United States of the power of exclusive legislation shall not
deleting from the first sentence thereof the word ‘Hawaii,’ and by deleting the proviso to said first sentence.

(c) The first sentence of section 310(a) of the Immigration and Nationality Act, as amended (66 Stat. 259, 8 U.S.C. 1421(a), 72 Stat. 351) is further amended by deleting the words ‘for the Territory of Hawaii, and’.

(d) Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 306 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1405).


SEC. 22. [Severability clause.] If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word in other circumstances shall not be affected thereby.

SEC. 23. [Repeal of inconsistent laws.] All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

HAWAIIAN HOME LANDS RECOVERY


SEC. 201. SHORT TITLE

“This title may be cited as the ‘Hawaiian Home Lands Recovery Act’.

SEC. 202. DEFINITIONS.

“As used in this title:

(1) Agency.—The term ‘agency’ includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) Beneficiary.—The term ‘beneficiary’ has the same meaning as is given the term ‘native Hawaiian’ under section 201(7) of the Hawaiian Homes Commission Act (former 48 U.S.C. 691 et seq.).

(3) Chairman.—The term ‘Chairman’ means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.


(7) Lost use.—The term ‘lost use’ means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

(8) Secretary.—The term ‘Secretary’ means the Secretary of the Interior.

SEC. 203. SETTLEMENT OF FEDERAL CLAIMS.

(a) Determination.—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (former 48 U.S.C. 697) (as in effect on the date of enactment of such Act [July 9, 1921]); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act [Nov. 2, 1996]. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and

(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of value made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) Authorization.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) VALUE OF LANDS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) LOST USE.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in
paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) VALUE OF LOSS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of such land or structure.

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) ASSIGNMENT FOR EXCHANGE.—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act (title), the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act [section 5 of Pub. L. 86-3, set out above] may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(6) AVAILABLE LANDS.—

(A) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act (title) shall have the status of available lands under the Hawaiian Homes Commission Act.

(B) MINIMUM EXCHANGE.—(1) Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Homes Commission Act [former 48 U.S.C. 698(3)].

(2) SALE OF CERTAIN LANDS.—Notwithstanding any other provision of law, the Chairman may authorize the sale of Hawaiian Home Lands as compensation for lost use under this Act (title), designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act (former 48 U.S.C. 701(a)).

(C) CONSULTATION.—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(6) HOLD HARMLESS.—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(7) SCREENING.—

(A) Subject to this Act (title), the Secretary of Defense and the Administrator of General Services shall appraise [sic] the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(B) For the purposes of this subparagraph, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(C) The real property selected by the Secretary of Defense shall be suitable for conveyance to the Department of Hawaiian Home Lands.

(8) VALUATION.—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense shall authorize the Administrator of General Services Administration shall appraise, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(9) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

SECTION 204. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.

(A) NOTICE TO THE SECRETARY.—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act [section 4 of Pub. L. 86-3, set out above], the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.
"(b) Determination by Secretary.—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

"(c) Congressional Approval Required.—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives—

1. a draft joint resolution approving the amendment;
2. a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;
3. a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;
4. a recommendation concerning the advisability of approving the proposed amendment; and
5. any documentation concerning the amendments received from the Chairman.

"SEC. 205. LAND EXCHANGES.

"(a) Notice to the Secretary.—If the Chairman recommends for approval an exchange of Hawaiian Home Lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

1. a description of the acreage and fair market value of the lands involved in the exchange;
2. surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and
3. an identification of the benefits to the parties to the proposed exchange.

"(b) Approval or Disapproval.—

1. In General.—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

2. Notification.—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

"(c) Exchanges Initiated by Secretary.—

1. In General.—The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands described in section 205(b)(3), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

2. Approval by Chairman.—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives of the approval of the Chairman of the proposed exchange.

"(d) Selection and Exchange.—

1. In General.—Notwithstanding any other provision of law, the Secretary may—

(a) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(b) make recommendations to the Chairman concerning making an exchange under subsection (c) that includes such real property.

2. Transfer.—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

"(e) Limitation.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

"(f) Surveys and Appraisals.—


2. Other Surveys.—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

"SEC. 206. ADMINISTRATION OF ACTS BY UNITED STATES.

"(a) Designation.—

1. In General.—Not later than 120 days after the date of enactment of this Act [Nov. 2, 1995], the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

2. Default.—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) Responsibilities.—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

1. advance the interests of the beneficiaries; and

2. assist the beneficiaries and the Department of the Interior in obtaining assistance from Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

"SEC. 207. ADJUSTMENT.

[Amended section 386a of Title 25, Indians.]

"SEC. 208. REPORT.

"(a) In General.—Not later than 180 days after the date of enactment of this Act [Nov. 2, 1995], the Chairman shall report to the Secretary concerning any claims that—

1. involve the transfer of lands designated as available lands under section 205 of the Hawaiian Homes Commission Act [former 48 U.S.C. 897] (as in effect on the date of enactment of such Act [July 9, 1921]); and

2. are not otherwise covered under this title.

"(c) Review.—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each
claim referred to in subsection (a), whether, on the basis of legal and equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

"(c) Compensation.—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section 203(a), and increase the determination of value made under subparagraphs (A) and (B) of section 203(a)(1) by the value determined under this subsection.

"SEC. 209. AUTHORIZATION.

‘‘There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands from funds made available pursuant to this section only for the purposes described in section 207(a) of the Hawaiian Homes Commission Act (former 48 U.S.C. 701(a)). To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section 203(a)(1)(B) by such amount.’’

CONSENT TO AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT, 1920

Pub. L. 105–21, June 27, 1997, 111 Stat. 235, provided: '‘(d) Paragraph (18) of section 202(a) of the Investment Advisers Act of 1940, as amended, is further amended by striking out the words ‘the continental United States’ and inserting in lieu thereof the words ‘the States of the United States and the District of Columbia’. ‘‘SEC. 3. [Soil Bank Act; amendment.] Section 113 of the Soil Bank Act, as amended, is amended to read as follows: ‘‘This subtitle B shall apply to the several States and, if the Secretary determines it to be in the national interest, to the Commonwealth of Puerto Rico and the Virgin Islands; and as used in this subtitle B, the term “State” includes Puerto Rico and the Virgin Islands.’’

‘‘SEC. 4. [Armed Forces; amendment.] (a) Title 10, United States Code, section 101(2), is amended by striking out the words ‘Hawaii or’.

‘‘(b) Title 10, United States Code, sections 802(11) and 802(12), are each amended by striking out the words ‘the main group of the Hawaiian Islands’.

‘‘(c) Title 10, United States Code, section 2662(c), is amended by striking out the word ‘Hawaii’.

‘‘(d) Title 10, United States Code is amended by striking out clause (6) of section 7444 [now section 2648]; by renumbering clauses (7) through (9) as clauses (6) through (8); by amending redesignated clause (8) to read as follows: ‘‘The families of persons described in clauses (1), (2), (4), (5), and (7),’’; and by striking out the words ‘clause (8) or (9)’ in the last sentence of such section and inserting in lieu thereof the words ‘clause (7) or (8)’.

‘‘SEC. 5. [Home Loan Bank Board.] (a) Paragraph (3) [now (2)] of section 2 of the Federal Home Loan Bank Act, as amended, is further amended by striking out the words ‘the Virgin Islands of the United States, and the Territory of Hawaii’ and by inserting in lieu thereof the words ‘the States of the Virgin Islands of the United States’.

‘‘(b) Section 7 of the Home Owners Loan Act of 1933, as amended, is further amended by striking out the words ‘Territory of Hawaii’ and inserting in lieu thereof the words ‘State of Hawaii’.

‘‘SEC. 6. [National Housing Act; amendment.] The National Housing Act is amended by striking out the word ‘Hawaii’ in sections 210(d), 207(a)(7), 201(d), 719(q), and 801(g).

‘‘SEC. 7. [Securities and Exchange Commission.] (a) Paragraph (6) of section 2 of the Securities Act of 1933, as amended, is further amended by striking out the word ‘Hawaii’.

‘‘(b) Paragraph (16) of section 3(a) of the Securities Exchange Act of 1934, as amended, is further amended by striking out the word ‘Hawaii’.

‘‘(c) Paragraph (37) of section 2(a) and paragraph (1) of section 6(a) of the Investment Company Act of 1940, as amended, are each amended by striking out the word ‘Hawaii’.

‘‘(d) Paragraph (18) of section 202(a) of the Investment Advisers Act of 1940, as amended, is further amended by striking out the word ‘Hawaii’.

‘‘SEC. 8. [Soil Conservation and Domestic Allotment Act; amendment.] (a) Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by striking out the words ‘in the continental United States, except in Alaska,’ and inserting in lieu thereof the words ‘in the States of the Union, except Alaska’.

‘‘(b) Section 17(a) of the Soil Conservation and Domestic Allotment Act, as amended, is further amended to read as follows: ‘This Act shall apply to the States, the Commonwealth of Puerto Rico, and the Virgin Islands, and, as used in this Act, the term “State” includes Puerto Rico and the Virgin Islands.’

‘‘SEC. 9. [Water Storage and Utilization.] Section 1 of the Act of August 28, 1937 (50 Stat. 889), as amended, is further amended by striking out the words ‘the United States, including the Territories of Alaska and Hawaii, and Puerto Rico and the Virgin Islands’ and inserting in lieu thereof the words ‘the States of the United States and in Puerto Rico and the Virgin Islands’.

‘‘SEC. 10. [Wildlife Restoration.] Section 2 of the Act of September 2, 1937 (50 Stat. 917), as amended, is fur-
amended to read: "(a) by striking out the words ‘the Territories and island possessions of the United States’ and inserting in lieu thereof the words ‘the United States and its island possessions’ in section 1 and 2; and

(b) by striking out the words ‘Territory of Hawaii and’ in section 1;

(c) by striking out the words ‘Territorial’ and inserting in lieu thereof the word ‘State’ in section 3; and

(d) by striking out the words ‘Hawaiian Islands’ and ‘Territory of Hawaii’ and inserting in lieu thereof, in both cases, the words ‘State of Hawaii’ in section 4.

SEC. 12. [Fish Restoration.] Section 2(d) of the Act of August 9, 1950 (64 Stat. 431), as amended, is further amended by striking out the words ‘; and the term ‘State’ shall be construed to mean and include the several States and the Territory of Hawaii’.

SEC. 13. [Criminal Code; amendments.] (a) Title 18, United States Code, section 1401, is amended by striking out the words ‘the Territory of Alaska, the Territory of Hawaii’.

(b) Title 18, United States Code, section 5024, is amended by striking out the words preceding the first comma and inserting in lieu thereof the words ‘This chapter shall apply in the States of the United States’.

(c) Section 6 of Public Law 85–752, as amended, is further amended by striking out the words preceding the first comma and inserting in lieu thereof the words ‘Sections 3 and 4 of this Act shall apply in the States of the United States’.

SEC. 14. [Education.] (a)(1) Subsection (a) of section 103 of the National Defense Education Act of 1958, relating to definition of State, is amended by striking out ‘Hawaii,’ each time it appears therein.

(2)(A) Paragraph (2), and subparagraph (C) of paragraph (3), of subsection (a) of section 302 of such Act, relating to allotments for science, mathematics, and foreign language instruction equipment, are each amended by striking out ‘continental United States’ and inserting in lieu thereof ‘United States’.

(B) Effective in the case of promulgations of allotment ratios made, under section 302 of such Act, after enactment of this Act and before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska, subparagraph B of such paragraph (3) is amended to read:

‘The term “United States” means the continental United States (excluding Alaska and Hawaii).’

(C) Effective in the case of promulgations of allotment ratios made under such section 302 after such data for a full year are available from the Department of Commerce, subparagraph (B) of such paragraph (3) is amended to read:

‘(B) The term “United States” means the fifty States and the District of Columbia.

‘Promulgations of allotment ratios made under such section 302 after such data for a full year are available from the Department of Commerce, but before such data are available therefor for a full three-year period, shall be based on such data for such one full year, or when such data are available for a two-year period, for such two years.

(d) The Act of March 10, 1924 (43 Stat. 18), extending the benefits of the Smith-Hughes vocational education law to Hawaii, is repealed.

(2) The last sentence of section 2 of the Act of February 23, 1917 (39 Stat. 930), relating to allotments for salaries of teachers of agricultural subjects, is amended by striking out ‘$23,700’ and inserting in lieu thereof ‘$28,500’. The last sentence of section 4 of such Act, as amended, relating to allotments for teacher training, is amended by striking out ‘$98,500’ and inserting in lieu thereof ‘$105,200’.

(3) Paragraph (i) of section 2 of the Vocational Education Act of 1946, relating to definition of States and Territories, is amended by striking out ‘the Territory of Hawaii’.

(4) Subsection (e) of section 2(b) and subsection (a) of section 307 of such Act, relating to definition of State are each amended by striking out ‘Hawaii’.

(c) Paragraph (13) of section 15 of the Act of September 23, 1950 (64 Stat. 967), as amended, relating to definition of State, is amended by striking out ‘as to counties’.

(d)(1) The material in the parentheses in the first sentence of subsection (d) of section 3 of the Act of September 30, 1950, as amended, relating to determination of local contribution rate, is amended to read: ‘other than a local educational agency in Puerto Rico, Wake Island, Guam, or the Virgin Islands, or in a State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency, or in a State in which there is only one local educational agency’.

(2) The fourth sentence of such subsection is amended by striking out ‘in the continental United States (including Alaska) and inserting in lieu thereof (other than Puerto Rico, Wake Island, Guam, or the Virgin Islands)’ and by striking out ‘continental United States’ in clause (ii) of such sentence and inserting in lieu thereof ‘United States (which for purposes of this sentence and the next sentence means the fifty States and the District of Columbia).’ The fifth sentence of such subsection is amended by striking out ‘continental’ before ‘United States’ each time it appears therein and by striking out ‘including Alaska’.

(3) The last sentence of such subsection is amended by striking out ‘Hawaii,’ and by inserting after ‘for which a State agency is the local educational agency,’ the following: ‘or in any State in which there is only one local educational agency’.

(4) Paragraph (8) of such Act, relating to definition of State, is amended by striking out ‘Hawaii’.

(e) Notwithstanding the last sentence of subsection (b) of section 5 of the Act entitled ‘An Act to provide for the admission of the State of Hawaii into the Union’, approved March 18, 1959 (73 Stat. 4; Public Law 85–752), there is hereby authorized to be appropriated to the State of Hawaii the sum of $6,000,000. Amounts appropriated under this subsection shall be held and considered to be granted to such State subject to those provisions of the Act entitled ‘An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts’, approved July 2, 1862 (7 U.S.C. 301–308), applicable to the proceeds from the sale of land or land scrip.

SEC. 15. [Importation of Milk and Cream.] Subsection (b) of section 9 of the Act of February 15, 1927 (44 Stat. 1103), as amended, is amended to read:

‘(b) Sections 103(g) and 105(e) of title 23, United States Code, are repealed.’

SEC. 16. [Opium Poppy Control.] Section 12 of the Opium Poppy Control Act of 1942, as amended, is further amended by deleting therefrom the words ‘the Territory of Hawaii’.

SEC. 17. [Highways.] (a) The definition of the term ‘State’ in title 23, United States Code, section 101(a), is amended to read as follows:

‘The term “State” means any one of the fifty States, or the District of Columbia.’

(b) Sections 103(g) and 105(e) of title 23, United States Code, are repealed.

(c) Section 103(d) of title 23, United States Code, is amended to read as follows:

‘(d) The Interstate System shall be designated with the States, the District of Columbia, or Puerto Rico.’
the national defense and, to the greatest extent possible, to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system, to the greatest extent possible, shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to the approval by the Secretary as provided in subsection (e) of this section. All highways or routes included in the interstate system as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in subsection (b) of this section. This system may be located both in rural and urban areas.

"(d) Notwithstanding any other provision of law, for the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with section 153(d) of title 23, United States Code, as amended by section 1 of this Act, the sum of $12,375,000 shall be apportioned to the State of Alaska out of the sum authorized to be appropriated for the Interstate System for the fiscal year ending June 30, 1962, under the provisions of section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), as amended by section 7(a) of the Federal-Aid Highway Act of 1956 (72 Stat. 99), such apportionment to be made at the same time such funds are apportioned to other States. The total sum to be apportioned under section 104(b)(5) of title 23, United States Code, for the fiscal year ending June 30, 1962, among the States other than Hawaii, shall be reduced by said sum apportioned to the State of Hawaii under this section. The Secretary of Commerce shall apportion funds to the State of Hawaii for the Interstate System for the fiscal year 1963 and subsequent fiscal years pursuant to the provisions of said section 104(b)(5) of title 23, United States Code, and, in preparing the estimates required by that section, he shall take into account the apportionment made to the State of Hawaii under this section.

"(e) Section 127 of title 23, United States Code, as amended by adding at the end thereof the following sentence: With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1961.

"SEC. 18. [Internal Revenue.] (a) Section 4262(c)(1) of the Internal Revenue Code of 1986 (relating to the definition of 'continental United States' for purposes of the tax on transportation of persons) is amended to read as follows:

'(1) Continental United States.—The term "continental United States" means the District of Columbia and the States other than Alaska and Hawaii.

'(b) Section 2202 of the Internal Revenue Code of 1986 (relating to territorial extent of law) is amended by striking out "the Territory of Hawaii,".

'(c) Section 7653(a)(9) of the Internal Revenue Code of 1986 (relating to definition of 'State') is amended by striking out 'the Territory of Hawaii' and inserting in lieu thereof 'or its possessions'.

("(1) Section 7701(a)(9) of the Internal Revenue Code of 1986 (relating to definition of 'United States') is amended by striking out 'the Territory of Hawaii',.

'(d) Section 7701(a)(10) of the Internal Revenue Code of 1986 (relating to definition of 'State') is amended by striking out 'the Territory of Hawaii' and.

'(e) The amendments contained in subsections (a) through (j) of this section shall be effective as of August 21, 1959. (As amended Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2065.)

"SEC. 19. [Courts; Kure Island.] Title 28, United States Code, section 51, and the Act of June 15, 1950 (64 Stat. 217), as amended, are each amended by striking out the words 'Kure Island'.

"SEC. 20. [Vocational Rehabilitation Act; amendment.] (a) Subsection (g) of section 11 of the Vocational Rehabilitation Act, relating to definition of 'State', is amended by striking out 'Hawaii'.

"(b) Subsections (h) and (i) of such section, relating to definition of allotment percentages and Federal shares for purposes of allotment and matching for vocational rehabilitation services grants, are each amended by striking out 'continental United States' and inserting in lieu thereof 'United States' and by striking out the words 'including Alaska'.

"(2) Paragraph (1) of such subsection (h) is further amended by striking out 'the allotment percentage for Hawaii shall be 50 per centum, and' in clause (B).

"(3) Subsection (b) of such section is further amended by adding at the end thereof the following new paragraphs:

"(1) Promulgations of allotment percentages and computations of Federal shares made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe for Alaska an allotment percentage of 75 per centum and a Federal share of 60 per centum and, for purposes of such promulgations and computations, Alaska shall not be included as part of the "United States". Promulgations and computations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

"(4) The term "United States" means (but only for purposes of this subsection and subsection (1) the fifty States and the District of Columbia."

"(2) Such subsection is further amended by striking out 'the Federal share for Hawaii shall be 60 per centum, and' in clause (B).

"(3) Subsection (c) of such section is further amended by striking out the words 'Alaska; Hawaii;'

"(3) Subsection (f) of the Fair Labor Standards Act, as amended, is further amended by striking out the words 'Alaska, Hawaii;' and.

"(3) Subsection (i) of such section is further amended by striking out the words 'the District Court for the Territory of Alaska,'."

"(d) Section 616 of the Fair Labor Standards Act, as amended, is further amended by striking out the words 'Alaska, Hawaii;'

"(e) Section 17 of the Fair Labor Standards Act, as amended, is further amended by striking out the words 'the District Court for the Territory of Alaska'.

"(f) Section 53(a)(9) of the Welfare and Pension Plans Disclosure Act is amended by striking out the word 'Hawaii'.

"SEC. 22. [National Guard.] Title 32, United States Code, section 101(1), is amended by striking out the words 'Hawaii' or.

"SEC. 23. [Water Pollution Control Act; amendment.] (a) Subsection (h) of section 5 of the Federal Water Pollution Control Act, relating to Federal share for purposes of program operation grants, is amended by striking out 'continental United States' and inserting in lieu thereof 'United States', by striking out 'including Alaska', and by striking out, in clause (B) of paragraph (1), for Hawaii shall be 50 per centum, and.

"(2) Such subsection is further amended by adding at the end thereof the following new paragraphs:

"§§ 488 to 488f
"(3) As used in this subsection, the term ‘‘United States’’ means the fifty States and the District of Columbia.

"(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall be included as part of the ‘‘United States.’’ Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or when such data are available for a two-year period, for such two years;’’

"(b) Subsection (d) of section 11 of such Act, relating to definition of ‘‘State,’’ is amended by striking out ‘‘Hawaii.’’

"SEC. 21. [Coast and Geodetic Survey.] The first sentence of section 1 of the Act of August 3, 1936 (70 Stat. 988), is amended by striking out the words ‘‘the several States’’ and inserting in lieu thereof the words ‘‘the States of the continental United States, excluding Alaska.’’

"SEC. 22. [Veterans’ Administration.] (a) Title 33, United States Code, section 621(a), is amended by striking out the words ‘‘outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States’’ and inserting in lieu thereof ‘‘outside any State’’.

"(b) The first sentence of title 38, United States Code, section 903(b) [now 2303(b)], is amended to read as follows: ‘In addition to the foregoing, when such a death occurs in the continental United States or Hawaii, the Administrator shall transport the body to the place of burial in the continental United States or Hawaii.’’

"(c) Title 38, United States Code, section 2007(c) [now 4107(c)], is amended by striking out the word ‘‘Hawaii’’.

"SEC. 26. [Davis-Bacon Act; amendment.] Section 1 of the Act of March 3, 1931 (46 Stat. 1494), as amended, is further amended by striking out the words ‘‘States of the United States’’ and inserting in lieu thereof ‘‘Territory of Alaska, the Territory of Hawaii, and the words ‘‘the Territory of Alaska, or the Territory of Hawaii.’’

"SEC. 27. [Federal Property and Administrative Services Act; amendment.] The Federal Property and Administrative Services Act of 1949, as amended, is further amended by—

(a) striking out the words ‘‘continental United States (including Alaska), Hawaii’’, in section 3(f) and inserting in lieu thereof the words ‘‘the States of the Union, the District of Columbia;’’

(b) striking out the words ‘‘continental United States, its Territories, its possessions’’ in section 211(i) and inserting in lieu thereof the words ‘‘States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States’’;

(c) striking out the words ‘‘continental limits of the United States’’ in section 40(c) and inserting in lieu thereof the words ‘‘States of the Union and the District of Columbia;’’ and

(d) striking out the words ‘‘the Territory of Hawaii’’ in section 702(a).

"SEC. 28. [Buy American Act; amendment.] Section 1(b) of title III of the Act of March 3, 1933 (47 Stat. 1520) [now 41 U.S.C. 8001(b)], as amended, is amended by striking out the word ‘‘Hawaii’’.

"SEC. 29. [Public Health Service Act; amendment.] (a) Subsection (f) of section 2 of the Public Health Service Act, relating to definition of State, is amended by striking out ‘‘Hawaii’’.

(b) The first sentence of section 331 of such Act, relating to receipt and treatment of lepers, is amended by striking out ‘‘Territory, or the District of Columbia.’’ The fifth sentence of such section is amended by striking out ‘‘the Territory of Hawaii’’ and inserting in lieu thereof ‘‘Hawaii’’.

(c) Subsection (c) of section 361 of such Act, relating to regulations governing apprehension and detention of persons to prevent the spread of a communicable disease, is amended by striking out ‘‘, the Territory of Hawaii.’’

(d) Clause (2) of subsection (a) of section 631 of such Act, relating to definition of allotment percentage for purposes of allotments for construction of hospitals and other medical service facilities, is amended by striking out ‘‘the allotment percentage for Hawaii shall be 50 per centum, and’’

(2) Such subsection is further amended by striking out ‘‘continental United States (including Alaska)’’ and inserting in lieu thereof ‘‘United States’’.

(3) Subsection (b) of such section, relating to promulgation of allotment percentages, is amended by striking out ‘‘continental United States’’ and inserting in lieu thereof ‘‘United States’’. Such subsection is further amended by inserting ‘‘(1)’’ after ‘‘(b)’’ and by adding at the end thereof the following new paragraphs:

(2) The term ‘‘United States’’ means (but only for purposes of this subsection and subsection (a)) the fifty States and the District of Columbia;

(3) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe an allotment percentage for Alaska of 50 per centum and, for purposes of such promulgation, Alaska shall not be included as part of the ‘‘United States’’. Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or when such data are available for a two-year period, for such two years;’’

(4) Subsection (d) of such section, relating to definition of State, is further amended by striking out ‘‘Hawaii’’.

"SEC. 30. [Social Security Act; amendment.] (a)(1) Paragraph (b) of subsection (a) of section 1101 of the Social Security Act, relating to definition of Federal percentage for purposes of matching for public assistance grants, is amended by striking out ‘‘continental United States (including Alaska)’’ and inserting in lieu thereof ‘‘United States’’.

(b) Subparagraph (A) of such paragraph is further amended by striking out ‘‘(i)’’ and by striking out ‘‘, and’’ (i) the Federal percentage shall be 50 per centum for Hawaii;’’

(3) Such paragraph is further amended by adding after subparagraph (B) the following new subparagraphs:

(C) The term ‘‘United States’’ means (but only for purposes of subparagraphs (A) and (B) of this paragraph) the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal percentage for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the ‘‘United States’’. Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years;’’

(2) Such section is further amended by adding after subsection (c) the following new subsections:

(b) For purposes of this section, the term ‘‘United States’’ means the fifty States and the District of Columbia.

(e) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and,
for purposes of such promulgations, Alaska shall not be included as part of the ‘United States’. Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefor for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

‘(d)(1) The last sentence of subsection (1) of section 202 of the Social Security Act is amended by striking out ‘forty-nine’ and inserting in lieu thereof ‘fifty’. ‘(d)(2) Subparagraph (b) and (i) of section 210 of such Act relating to definitions of State and United States for purposes of old-age, survivors, and disability insurance, are each amended by striking out ‘Hawaii’. Such subsection (b) is further amended by striking out the comma after ‘District of Columbia’. ‘

‘(d)(1) Paragraph (1) of subsection (a) of section 1101 of such Act relating to definition of State, is amended by striking out ‘Hawaii’ and ‘

‘(2) Paragraph (2) of such subsection, as amended relating to definition of ‘United States’, is amended by striking out ‘Hawaii’. ‘

‘(e) Subparagraph (C) and (G) of paragraph (6) of subsection (d) of section 218 of the Social Security Act, as amended, are each further amended by striking out the words ‘Territory of’ and ‘or Territory’ each time they appear therein. ‘

‘(f) Subsection (p) of such section is amended by striking out ‘Territory of’ and inserting in lieu thereof the words ‘State of Hawaii.’ The last sentence of subsection (a) of section 1501 of the Social Security Act is amended by striking out ‘Alaska, Hawaii’, ‘

‘SEC. 31. [Small Reclamation Projects.] The Small Reclamation Projects Act of 1936 (70 Stat. 1441), as heretofore and hereafter amended, shall apply to the State of Hawaii. ‘


‘SEC. 34. [Home Port of Vessels.] Section 1 of the Act of February 16, 1925 (43 Stat. 497), as amended, is further amended by striking out the words ‘Alaska, Hawaii, and ‘

‘SEC. 35. [Merchant Marine Act, 1936.] (a) Subsection (a) of section 505 of the Merchant Marine Act, 1936, as amended, is further amended by adding at the end thereof the following new sentence: ‘For the purposes of this section, the term ‘continental limits of the United States’ includes the States of Alaska and Hawaii.’ ‘

‘(b) Section 606 of such Act, as amended, is further amended by adding at the end thereof the following new sentence: ‘For the purposes of this section, the term ‘continental limits of the United States’ includes the States of Alaska and Hawaii.’ ‘

‘(c) Section 702 of such Act, as amended, is further amended by adding at the end thereof the following new sentence: ‘For the purposes of this section, the term ‘continental United States’ includes the States of Alaska and Hawaii.’ ‘

‘SEC. 36. [Communications Act; amendment.] Section 222(a)(10) of the Communications Act of 1934, is amended by striking out the words ‘the several States and the District of Columbia’ and inserting in lieu thereof the words ‘the District of Columbia and the States of the Union, except Hawaii.’ ‘

‘SEC. 37. [Aircraft Loan Guarantees.] Section 3 of the Act of September 7, 1957 (71 Stat. 629), as amended, is further amended by adding at the end thereof the following new sentence: ‘For the purposes of this section, the words ‘State of Hawaii’ and inserting in lieu thereof the words ‘State of Hawaii’. ‘

‘SEC. 38. [Real property transactions.] Section 43(c) of the Act of August 10, 1956 (70A Stat. 836), as amended is further amended by striking out the words ‘United States, Hawaii,’ and inserting in lieu thereof the words ‘States of the Union, the District of Columbia.’ ‘

‘SEC. 39. [Selective service.] Section 16(b) of the Universal Military Training and Service Act, as amended, is further amended by striking out the word ‘Hawaii’. ‘

‘SEC. 40. [Reports on Federal Land Use.] The President shall prescribe procedures to assure that the reports to be submitted to him by Federal agencies pursuant to section 5(e) of the Act of March 18, 1959 (73 Stat. 6), providing for the admission of the State of Hawaii into the Union, shall be prepared in accordance with uniform policies and coordinated within the executive branch. ‘

‘SEC. 41. [Hawaiian Homes Commission Lands.] Section 5(b) of the Act of March 18, 1959 (73 Stat. 5), is amended by inserting, immediately following the words ‘public property’ the words ‘and all lands defined as “available lands”’ by section 203 of the Hawaiian Homes Commission Act, 1920, as amended.’ ‘

‘SEC. 42. [Lease by United States Public Property of Hawaii.] Until August 21, 1964, there shall be covered into the treasury of the State of Hawaii the rentals or consideration received by the United States with respect to public property and the use of the lands of the United States by the State of Hawaii. ‘

‘(b) There are also hereby transferred to the State of Hawaii all records and other papers in the custody of the Public Archives of Hawaii that were made or received by any Federal agency. ‘

‘(c) There are hereby transferred to the State of Hawaii all records and other papers in the custody of any Federal or territorial agency, or any predecessor thereof, in connection with the performance of functions assumed in whole or in substantial part by the State of Hawaii. ‘

‘(d) There are hereby transferred to the State of Hawaii all records and other papers in the custody of the Public Archives of Hawaii that were made or received by any Federal agency. ‘

‘SEC. 43. [Transfer of Records.] (a) There are hereby transferred to the State of Hawaii all records and other papers that were made or received by any Federal or territorial agency, or any predecessor thereof, in connection with the performance of functions assumed in whole or in substantial part by the State of Hawaii. ‘

‘(b) There are hereby transferred to the State of Hawaii all records and other papers in the custody of any Federal or territorial agency, or any predecessor thereof, in connection with the performance of functions assumed in whole or in substantial part by the State of Hawaii. ‘

‘SEC. 44. [Use of G.S.A. Services or Facilities.] The Administrator of General Services is authorized to make available to the State of Hawaii such services or facilities as are determined by the Administrator to be necessary for an interim period, pending provision of such services or facilities by the State of Hawaii. Such interim period shall not extend beyond August 21, 1964. Payment shall be made to the General Services Administration by the State of Hawaii for the cost of such services or facilities to the Federal Government, as determined by the Administrator. ‘

‘SEC. 45. [Purchase of Typewriters.] Title I of the Independent Offices Appropriation Act, 1969, is amended by striking out the words ‘for the purchase within the continental limits of the United States of any typewriting machines’ and inserting in lieu thereof ‘for the purchase within the States of the Union and the District of Columbia of any typewriting machines’. ‘

‘SEC. 46. [Federal Maritime Board.] Section 18(a) of the Act of March 18, 1959 (73 Stat. 12), providing for the admission of the State of Hawaii into the Union, is amended by striking out the words ‘or is conferring’ and inserting in lieu thereof the words ‘or as conferring’. ‘

‘SEC. 47. [Effective Dates.] (a) The amendments made by section 11(a)(2)(A), by section 12(a), by paragraphs (1), (2), and (3) of section 9(b), by subsection (b), and by paragraphs (1) and (3) of subsection (a), of section 20, and, except as provided in subsection (c) of such section by section 20(b), shall be applicable in the case of promulgations or computations of Federal shares, allot-
ment percentages, allotment ratios, and Federal percentages, as the case may be, made after August 21, 1959.

(b) The amendments made by paragraph (2) of section 30(a) shall be effective with the beginning of the calendar quarter in which this Act is enacted. The Secretary of Health, Education, and Welfare shall, as soon as possible after enactment, promulgate regulations (see section 302(a) of such Act) setting forth the Federal percentage for Hawaii determined in accordance with the provisions of subparagraph (B) of section 122(b) of the Social Security Act, such promulgation to be effective for the period beginning with the beginning of the calendar quarter in which this Act is enacted and ending with the close of June 30, 1961.

(1) The amendments by paragraphs (1) and (2) of subsection (b) and paragraphs (1), (2), and (3) of subsection (d) of section 14 shall be applicable in the case of fiscal years beginning after June 30, 1960.

(2) The amendments made by paragraphs (1) and (3) of section 14(a) shall be applicable, in the case of allotments under section 302(b) or 302 of the National Defense Education Act of 1958, for fiscal years beginning after June 30, 1960, and, in the case of allotments under section 302(a) of such Act, for fiscal years beginning after allotment ratios, to which the amendment made by paragraph (2) of section 14(a) is applicable, are promulgated under such section 302(a).

The amendment made by section 30(c)(1) shall be applicable in the case of deaths occurring on or after August 21, 1959.

The amendments made by subsection (c), paragraphs (3) and (4) of section 23(b), and paragraph (4) of section 23(c) of the Vocational Rehabilitation Act shall not be effective for the period beginning with the beginning of the calendar quarter in which this Act is enacted and ending with the close of June 30, 1961.

The allotment percentage determined for Alaska under section 11(h) of the Vocational Rehabilitation Act, as amended by this Act, for the first, second, third, and fourth years for which such percentage is based on the per capita income data for Alaska shall be increased by 76 per centum, 64 per centum, 52 per centum, and 28 per centum, respectively, of the difference between such allotment percentage for the year involved and 75 per centum.

The Federal share for Alaska determined under section 11(g)(3) of the Vocational Rehabilitation Act, as amended by this Act, for the first year for which such Federal share is based on per capita income data for Alaska shall be increased by 70 per centum of the difference between such Federal share for such year and 60 per centum.

If such first year for which such Federal share is based on per capita income data for Alaska is the fiscal year ending prior to July 1, 1962, the adjusted Federal share for Alaska for such year for purposes of section 2(b) of the Vocational Rehabilitation Act shall notwithstanding the provisions of paragraph (3)(A) of such section 2(b), be the Federal share determined pursuant to paragraph (2) of this subsection.

(4) Section 4(c) of the Alaska Omnibus Act (Public Law 86–70) is repealed.

"SEC. 49. [Other Subjects.] The amendment by this Act of certain statutes by deleting therefrom specific references to Hawaii or such phrases as 'Territory of Hawaii' shall not be construed to affect the applicability or inapplicability in or to Hawaii of other statutes not so amended.

"SEC. 50. [Separability.] If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.''

CONVEYANCE OF CERTAIN SURPLUS FEDERAL LANDS IN HAWAII


"[Sec. 1. Procedure for conveyance to Hawaii of surplus Federal lands held as ceded, Statehood, permit and Sand Island lands; terms and conditions; monetary consideration; fair market value for improvements; disposal under other applicable laws; proportional payment of proceeds.] That (a)(i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5(c) of Public Law 86–3 (73 Stat. 4, 6) [set out as a note above], or any lands acquired by the Administrator subject to the provisions of this Act, are property of the United States pursuant to section 5(c) or become the property of the United States pursuant to section 5(d) of Public Law 86–3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended [sections 1 to 4 of Title 16, Conservation] and (ii) whenever any of the lands of the United States on Sand Island, including the reef lands in connection therewith, in the Territory of the Hawaiian Islands, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the 'Administrator') with the concurrence of the department or agency exercising jurisdiction, in connection therewith, in the Territory of Hawaii, the Administrator, subject to the provisions of this Act,

(b) Such lands and property shall be conveyed without monetary consideration, but subject to such other terms and conditions as the Administrator may prescribe: Provided, That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii the full equivalent of the fair market value of the lands involved to the State of Hawaii pursuant to the provisions of this Act.

"The conveyance of said property to the State of Hawaii shall be upon such terms as the Administrator shall deem appropriate for the civil administration of such island.''

Whereas the Congress of the United States by the act approved on March 18, 1959 (73 Stat. 4) [set out above], provided:

"[Sec. 2. [Public trust; terms and conditions.] Any lands, property, improvements, and proceeds conveyed under this Act shall be subject to the terms and conditions of that trust.]

"The conveyance and the property shall be subject to the terms and conditions of that trust.''

Proc. No. 3309. ADMISSION OF THE STATE OF HAWAII INTO THE UNION


"WHEREAS the Congress of the United States by the act approved on March 18, 1959 (73 Stat. 4) [set out above], provided:

"[Sec. 2. [Public trust; terms and conditions.] Any lands, property, improvements, and proceeds conveyed under this Act shall be subject to the terms and conditions of that trust.]

above], accepted, ratified, and confirmed the constitution adopted by a vote of the people of Hawaii in an election held on November 7, 1950, and provided for the admission of the State of Hawaii into the Union on an equal footing with the other States upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from the information before me that a majority of the legal votes cast at an election on June 27, 1959, were in favor of each of the propositions required to be submitted to the people of Hawaii by section 7(b) of the act of March 18, 1959 [set out above]; and

WHEREAS it further appears from information before me that a general election was held on July 28, 1959, and that the returns of the general election were made and certified as provided in the act of March 18, 1959 [set out above]; and

WHEREAS the Governor of Hawaii has certified to me the results of the submission to the people of Hawaii of the three propositions set forth in section 7(b) of the act of March 18, 1959 [set out above], and the results of the general election; and

WHEREAS I find and announce that the people of Hawaii have duly adopted the propositions required to be submitted to them by the act of March 18, 1959 [set out above], and have duly elected the officers required to be elected by that act.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Hawaii to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Hawaii into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at four p.m. E.D.T. on this twenty-first day of August in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER.

[SEAL]

EX. ORD. NO. 11048, ADMINISTRATION OF WAKE ISLAND AND MIDWAY ISLAND


By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86–624) [set out above] and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—WAKE ISLAND

SECTION 101. The Secretary of the Interior shall be responsible for the civil administration of Wake Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Wake Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 641a), shall be vested in the Secretary of the Interior.

Sic. 102. The executive, legislative, and judicial authority provided for in section 101 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

Sic. 103. Executive Order No. 6935 of December 29, 1934, to the extent that it pertains to Wake Island, is hereby superseded.

PART II—MIDWAY ISLAND

(Superseded by Ex. Ord. No. 13022, § 1, Oct. 31, 1966, 61 F.R. 56875)

PART III—MISCELLANEOUS PROVISIONS

SECTION 301. The provisions of each of the foregoing parts of this order shall continue in force until the Congress shall provide for the civil administration of the affected Island or until such earlier time as the President may specify.

Sic. 302. As used herein, the terms “Wake Island” and “Midway Island” include the reefs appurtenant to, and the territorial waters of, Wake Island and Midway Island, respectively.

Sic. 303. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

Sic. 304. This order shall not be deemed to affect Executive Order No. 9709 of March 29, 1946, or Executive Order No. 9797 of November 6, 1946.

Sic. 305. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the act of June 15, 1950.

EX. ORD. NO. 13022, ADMINISTRATION OF THE MIDWAY ISLANDS

Ex. Ord. No. 13022, Oct. 31, 1966, 61 F.R. 56875, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 48 of the Hawaii Omnibus Act, Public Law 86–624 [set out above], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. The Midway Islands, Hawaiian group, and their territorial seas, located approximately between the parallels of 28 degrees 5 minutes and 28 degrees 25 minutes North latitude and between the meridians of 177 degrees 10 minutes and 177 degrees 30 minutes West longitude, were placed under the jurisdiction and control of the Department of the Navy by the provisions of Executive Order 199–A of January 20, 1903, and Part II of Executive Order 11048 of September 4, 1962, and are hereby transferred to the jurisdiction and control of the Department of the Interior. The provisions of Executive Order 199–A of January 20, 1903, and the provisions of Executive Order 11048 of September 4, 1962, that pertain to the Midway Islands are hereby superseded.

Sic. 2. The Midway Islands Naval Defensive Sea Area and the Midway Islands Naval Airspace Reservation are hereby dissolved. The provisions of Executive Order 8682 of February 14, 1941, as amended by Executive Order 8729 of April 2, 1941, are hereby superseded.

Sic. 3. (a) The Secretary of the Interior, through the United States Fish and Wildlife Service, shall administer the Midway Islands as the Midway Atoll National Wildlife Refuge in a manner consistent with Executive Order 12996 of March 25, 1995 [60 U.S.C. 668dd note], for the following purposes: (1) maintaining and restoring natural biological diversity within the refuge; (2) providing for the conservation and management of fish and wildlife and their habitats within the refuge; (3) fulfilling the international treaty obligations of the United States with respect to fish and wildlife; (4) providing opportunities for scientific research, environmental education, and compatible wildlife dependent recreational activities; and
(5) in a manner compatible with refuge purposes, shall recognize and maintain the historic significance of the Midway Islands consistent with the policy stated in Executive Order 11593 of May 13, 1971 [16 U.S.C. 470 note].

(b) The Secretary of the Interior shall be responsible for the civil administration of the Midway Islands and all executive and legislative authority necessary for that administration, and all judicial authority respecting the Midway Islands other than the authority contained in 48 U.S.C. 644a.

Sect. 4. Any civil or criminal proceeding that is pending under the Midway Islands Code, 32 CFR Part 762, upon the date of this order, shall remain under the jurisdiction of the Secretary of the Navy. Actions arising after the date of this order are the responsibility of the Secretary of the Interior and shall be administered pursuant to regulations promulgated by the Secretary of the Interior.

Sect. 5. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

Sic. 6. Nothing in this order shall be deemed to re-establish or modify the authority or responsibility of the Attorney General of the United States to represent the legal interests of the United States in civil or criminal cases arising under the provisions of 48 U.S.C. 644a.

WILLIAM J. CLINTON.

DELEGATION OF FUNCTIONS

Ex. Ord. No. 11239, June 28, 1965, 30 F.R. 8447, under which the functions of the President under section 5(c) of the Hawaii Statehood Act of Mar. 18, 1959, [set out above], were delegated to the Director of the Bureau of the Budget [now Director of Office of Management and Budget], was superseded by Ex. Ord. No. 11699, July 22, 1971, 36 F.R. 13747, set out under section 301 of Title 3, The President.

§§ 491 to 503. Omitted

CODIFICATION

Sections 491 to 503, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.


Section 492, act Apr. 30, 1900, ch. 339, §§3, 31 Stat. 141, established a Territorial government with its capital at Honolulu.

Section 493, act Apr. 30, 1900, ch. 339, §1, 31 Stat. 141, defined the “laws of Hawaii” as used in this chapter.


Section 495, acts Apr. 30, 1900, ch. 339, §§5, 31 Stat. 141; May 27, 1910, ch. 256, §1, 36 Stat. 443; Apr. 12, 1930, ch. 136, §§1(a), 6; June 6, 1932, ch. 209, §§116(b), 67 Stat. 205, made applicable to Territory the United States Constitution and all other laws of the United States including laws carrying general appropriations.

Section 496, act Apr. 30, 1900, ch. 339, §§6, 31 Stat. 142, continued in force laws of Hawaii not inconsistent with the Constitution or laws of the United States.

Section 497, act Apr. 30, 1900, ch. 339, §§7, 31 Stat. 155, continued in force laws of Hawaii relating to agriculture and forestry subject to modification by Congress or the Legislature.


Section 499, Joint Res. July 7, 1896, No. 55, §1, 30 Stat. 751, provided for assumption of public debt of Hawaii existing on July 7, 1898, not Hawaii.

Section 500, act Apr. 30, 1900, ch. 339, §9, 31 Stat. 143, amended the laws of Hawaii to read “Governor of the Territory” or “Territory” as the context required whenever reference was made to “President of the Republic” or “Republic” in the laws.

Section 501, act Apr. 30, 1900, ch. 339, §10, 31 Stat. 143, continued in effect and transferred to Territory of Hawaii prior rights in favor and against the former Republic of Hawaii and preserved all criminal proceedings.


Section 503, act Apr. 30, 1900, ch. 339, §10, 31 Stat. 143, provided that contracts made between Apr. 12, 1898, and Apr. 30, 1900, providing for service for a definite term, should be null and void.


Section, act Apr. 30, 1900, ch. 339, §10, 31 Stat. 143, related to applicability of immigration contract labor law. See section 1151 et seq. of Title 8, Aliens and Nationality.

§§ 505 to 518. Omitted

CODIFICATION

Sections 505 to 518, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

Section 505, act Apr. 30, 1900, ch. 339, §11, 31 Stat. 144, prescribed the style of process in courts.


Section 508, acts Apr. 30, 1900, ch. 339, §97, 31 Stat. 160; July 1, 1944, ch. 373, title IX, §913, formerly title VI, §611, 58 Stat. 714, provided that jurisdiction of health laws remain under the control of Territory of Hawaii.


Section 512, act May 26, 1906, ch. 2561, 31 Stat. 204, made provision for sale, lease, or disposal of personal or movable property ceded to the United States.


Section 514, act Jan. 14, 1903, ch. 186, §3, 32 Stat. 771, allowed any collector of customs or internal revenue to exchange United States coins in his custody for Hawaiian coins under regulations of Secretary of the Treasury.


Section 517, act Jan. 14, 1903, ch. 186, §7, 32 Stat. 771, limited redemption of Hawaiian silver certificates or silver coin to redemption in manner and upon conditions set for recoinage of Hawaiian silver.

Section 518, act Apr. 30, 1900, ch. 339, §105, as added July 9, 1921, ch. 42, §315, 42 Stat. 120, prohibited employ-
ment as a mechanic or laborer on any public work of persons not citizens of the United States or eligible for such citizenship.


Section, act Jan. 2, 1942, ch. 646, 55 Stat. 881, related to employment of nationals of the United States on public works in Hawaii during the national emergency.

§ 519. Omitted

CODIFICATION


Section, act May 23, 1918, ch. 84, § 1, 40 Stat. 560, prohibited manufacture, sale, transport, etc., of intoxicating liquors.

§§ 531 to 535. Omitted

CODIFICATION

Sections 531 to 535, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.


Section, acts Apr. 30, 1900, ch. 339, § 92, 31 Stat. 159; May 27, 1910, ch. 258, § 8, 36 Stat. 448; July 9, 1921, ch. 42, § 314, 42 Stat. 120, authorized governor to employ a private secretary at an annual salary of $3,000.

§ 540. Omitted

CODIFICATION

Section, act Apr. 30, 1900, ch. 339, § 75, 31 Stat. 155, which prescribed powers and duties of superintendent of public works, was omitted in view of admission of Hawaii into the Union.


§§ 542 to 546. Omitted

CODIFICATION

Sections 542 to 546, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

§§ 561 to 599. Omitted

CODIFICATION

Sections 561 to 599, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

§ 561. Omitted

CODIFICATION

Section 561, act Apr. 30, 1900, ch. 339, § 12, 31 Stat. 144, called for a bicameral legislature for Territory consisting of a senate and house of representatives.

§ 562. Omitted

CODIFICATION

Section 562, acts Apr. 30, 1900, ch. 339, §§ 55, 31 Stat. 150; May 27, 1910, ch. 258, § 4, 36 Stat. 444; July 9, 1921, ch. 42, § 302, 42 Stat. 116; June 9, 1926, ch. 512, §§ 2, 4, 44 Stat. 710, 711, which authorized issuance of revenue bonds by legislature and empowered legislature to authorize issuance of bonds by political or municipal corporations or subdivisions, was omitted in view of admission of Honolulu to issue flood control bonds.

§ 562a. Omitted

CODIFICATION

Section 562a, act July 15, 1935, ch. 378, § 1, 49 Stat. 479, authorized issuance of revenue bonds by legislature and empowered legislature to authorize issuance of bonds by political or municipal corporations or subdivisions.

§ 562b. Omitted

CODIFICATION


§ 562c. Omitted

CODIFICATION

Section 562c, act Apr. 3, 1944, ch. 154, 58 Stat. 186, ratified and confirmed legislative action which had extended time within which revenue bonds could be is-
sued without presidential approval and without reference to Hawaiian Organic Act.

Section 562–2, act July 30, 1947, ch. 396, 61 Stat. 676, ratified and confirmed legislative action which had extended time within which revenue bonds could be issued without presidential approval and without reference to Hawaiian Organic Act.

Section 5624, act Aug. 31, 1956, ch. 436, § 1, 49 Stat. 516, empowered legislature to authorize issuance of revenue bonds by political or municipal corporations or subdivisions of Territory and confirmed and ratified acts of legislature prior to Aug. 3, 1935, which authorized issuance of revenue bonds.


Section 562g, act July 10, 1937, ch. 485, 50 Stat. 508, authorized issuance of public improvement bonds by Territory.

Section 562h, act July 10, 1937, ch. 483, § 1, 50 Stat. 507, empowered legislature to establish authorities for slum clearance and housing projects, made provision for issuance of bonds therefor, ratified and confirmed prior legislation on subject, and provided that powers granted should not be in derogation of other powers granted by other laws.

Section 562i, act July 10, 1937, ch. 483, § 2, 50 Stat. 507, dealt with nature of Honolulu sewer system bonds and provided for their maturity.

Section 562j, act July 10, 1937, ch. 483, § 3, 50 Stat. 507, required that its subject be expressed in its title.

Section 562k, act July 10, 1937, ch. 485, 50 Stat. 509, ratified and confirmed legislative action which had extended time within which revenue bonds could be issued without presidential approval.

Section 562l, act July 10, 1937, ch. 483, § 4, 50 Stat. 507, provided for their maturity.

Section 562m, act Oct. 26, 1949, ch. 754, 61 Stat. 326, authorized and empowered Territory to issue general obligation bonds to permit construction of a sewer system in Honolulu.


Section 562r, act July 11, 1956, ch. 567, §§ 1–3, 70 Stat. 526, ratified and confirmed issuance of general obligation bonds by city and county of Honolulu and authorized issuance of additional bonds, setting a limit on size of such issue.

Section 562s, act July 14, 1956, ch. 602, § 1, 70 Stat. 545, authorized Territory to issue revenue bonds for highway construction payable from funds derived from highway vehicle fuel taxes.

Section 562t, act July 14, 1956, ch. 602, § 2, 70 Stat. 545, set out certain requirements for bonds issued under section 562s.

Section 562u, act July 14, 1956, ch. 602, § 3, 70 Stat. 545, allowed application of federal-aid highway funds to aid in retirement of highway bonds.

Section 562v, act July 14, 1956, ch. 602, § 4, 70 Stat. 545, defined "highway fuel taxes" as used in sections 562s–562v.

Section 562w, Pub. L. 85–534, § 2, July 18, 1958, 72 Stat. 379, authorized Territory to issue aviation revenue bonds, set out requirements and limitations therefor, allowed for retirement thereof with Federal funds, and defined "aviation fuel taxes".


Section 564, act Apr. 30, 1900, ch. 339, § 13, 31 Stat. 144, prohibited persons from sitting as senators and representatives in legislature except in conformity with statutory provisions therefor.

Section 565, acts Apr. 30, 1900, ch. 339, § 30, 31 Stat. 146; Aug. 1, 1956, ch. 851, § 1, 70 Stat. 903, provided for number of senators and for the length of their term.

Section 566, acts Apr. 30, 1900, ch. 339, §§ 34, 31 Stat. 147; Sept. 15, 1922, ch. 315, 42 Stat. 844, set out age, citizenship, and residence requirements of senators.

Section 567, act Apr. 30, 1900, ch. 339, § 31, 31 Stat. 146, called for filling of vacancies in senate caused by death, resignation, or otherwise through general or special elections.


Section 570, acts Apr. 30, 1900, ch. 339, §§ 35, 31 Stat. 147; Aug. 1, 1956, ch. 851, § 4, 70 Stat. 903, set out number of representatives and called for their election by qualified voters of respective representative districts.

Section 571, acts Apr. 30, 1900, ch. 339, §§ 40, 31 Stat. 148; Sept. 15, 1922, ch. 315, 42 Stat. 844, stated age, citizenship, and residence requirements of representatives in house caused by death, resignation, or otherwise through general or special elections.

Section 572, acts Apr. 30, 1900, ch. 339, §§ 38, 31 Stat. 147, placed term of office of representatives as period between their election at a general or special election and next general election held thereafter.

Section 573, acts Apr. 30, 1900, ch. 339, § 37, 31 Stat. 147, directed that vacancies in house of representatives caused by death, resignations, or otherwise be filled by special elections.


Section 577, act Apr. 30, 1900, ch. 339, § 44, 31 Stat. 148, set out enacting clause of all laws and required that all legislative sessions be conducted in English language.

Section 578, acts Apr. 30, 1900, ch. 339, §§ 45, 31 Stat. 148, required that each law embrace but one subject and that its subject be expressed in its title.

Section 579, act Apr. 30, 1900, ch. 339, § 46, 31 Stat. 148, covered passage of bills on three readings on separate days and final passage by a majority vote of all members to which each house is entitled taken by ayes and noes and entered upon journal.
Section 580, act Apr. 30, 1900, ch. 339, §47, 31 Stat. 149, provided for certification of bills by the presiding officer or clerk of the house just passed and immediate submission to other house for consideration.

Section 581, act Apr. 30, 1900, ch. 339, §49, 31 Stat. 149, made provision for veto or approval of bills and allowed veto of specific items in appropriation bills while requiring veto of all other bills only in their entirety.

Section 582, act Apr. 30, 1900, ch. 339, §48, 31 Stat. 149, required signature of governor to make valid all bills passed by legislature except as otherwise provided.

Section 583, act Apr. 30, 1900, ch. 339, §50, 31 Stat. 149, set out procedure to be followed by legislature in event of a veto by governor.

Section 584, act Apr. 30, 1900, ch. 339, §51, 31 Stat. 149, set out effect to be given governor’s failure to sign, veto, or return a bill passed by legislature and sent to him.

Section 585, acts Apr. 30, 1900, ch. 339, §52, 31 Stat. 149; May 27, 1910, ch. 238, §3, 36 Stat. 444, required that appropriation be made by legislature except as otherwise provided.


Section 587, act Apr. 30, 1900, ch. 339, §54, 31 Stat. 150, made provision for calling of an extra session of the legislature and payment by treasurer of current expenses in event of failure of legislature to pass appropriation bills covering necessary current expenses.

Section 588, acts Apr. 30, 1900, ch. 339, §14, 31 Stat. 145; Oct. 26, 1949, ch. 752, §3, 63 Stat. 924, required governor to submit to legislative estimates of appropriations for succeeding biennial period or for succeeding fiscal year in event of an additional regular session of legislature.

Section 589, act Apr. 30, 1900, ch. 339, §18, 31 Stat. 145, made ineligible to hold office of member of legislature any person holding office in or under or by authority of government of United States or Territory of Hawaii.

Section 590, act Apr. 30, 1900, ch. 339, §19, 31 Stat. 145, prescribed oath to be taken by legislators and territorial officers.

Section 591, act Apr. 30, 1900, ch. 339, §20, 31 Stat. 145, called for senate and house of representatives to choose their own officers, determine rules and keep a journal.

Section 592, act Apr. 30, 1900, ch. 339, §21, 31 Stat. 145, required that, at desire of one-fifth of members present, ayes and nos of members be entered on journal.

Section 593, act Apr. 30, 1900, ch. 339, §22, 31 Stat. 145, set out attendance required for a quorum of each house of legislature, votes required for final passage of a law, adjournment, absentees, and a count of members present by chairman.

Section 594, act Apr. 30, 1900, ch. 339, §23, 31 Stat. 146, granted members of legislature a privilege for any word uttered in exercise of their legislative functions in either house.

Section 595, act Apr. 30, 1900, ch. 339, §27, 31 Stat. 146, authorized each house of legislature to punish its members by censure for disorderly behavior or neglect of duty and to suspend or expel its members by a two-thirds vote.

Section 596, act Apr. 30, 1900, ch. 339, §25, 31 Stat. 146, authorized each house to punish non-members for contempt but granted a person so charged right to be informed of charges, present evidence, and be heard in his own defense.

Section 597, act Apr. 30, 1900, ch. 339, §23, 31 Stat. 146, authorized each house to punish non-members for contempt but granted a person so charged right to be informed of charges, present evidence, and be heard in his own defense.

Section 598, act Apr. 30, 1900, ch. 339, §29, 31 Stat. 146, granted members of legislature a privilege from arrest, except in cases of treason, felony, or breach of peace, during their attendance at sessions in their respective houses.


§§ 611 to 620. Omitted

CODIFICATION

Sections 611 to 620, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

Section 611, act Apr. 30, 1900, ch. 339, §14, 31 Stat. 144, called general elections to be held on the Tuesday next after first Monday in November, biennially in even-numbered years.


Section 613, act Apr. 30, 1900, ch. 339, §§57, 58, 31 Stat. 151, granted each elector a privilege from military duty on election day in any way which would deprive him of his vote except in time of war or public danger and also granted a privilege from arrest while going to and returning from attendance at election except in certain cases.

Section 614, act Apr. 30, 1900, ch. 339, §59, 31 Stat. 151, allowed each voter for representative to vote for as many representatives as would be elected from representative district in which voter was entitled to vote and gave posts of representatives to those candidates receiving highest number of votes.

Section 615, act Apr. 30, 1900, ch. 339, §61, 31 Stat. 152, allowed each voter to cast one vote for senator to be elected from district in which voter could vote and called for required number of candidates receiving highest number of votes to become senators for their districts.

Section 616, act Apr. 30, 1900, ch. 339, §62, 31 Stat. 152, made qualifications for voters for senator and for all other elections same as qualifications for voters casting votes for representative.


Section 619, act Apr. 30, 1900, ch. 339, §63, 31 Stat. 152, prevented from voting all persons who were in Hawaii by reason of being in Army or Navy or being attached to troops of the United States.

Section 619a, act Apr. 30, 1900, ch. 339, §64, 31 Stat. 152, continued in force rules and regulations for administering oaths and holding elections.

Section 620, act Apr. 30, 1900, ch. 339, §65, 31 Stat. 153, authorized legislature to establish and alter boundaries of election districts and voting precincts and apportion senators and representatives to be elected from such districts.

§§ 631 to 633. Omitted

CODIFICATION

Sections 631 to 633, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

Section 631, act Apr. 30, 1900, ch. 339, §81, 31 Stat. 157, made provision for vesting of judicial power in courts and continued in force the courts’ jurisdiction and procedure previously in force.


$643$, $644a$

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42, §312, 42 Stat. 119; May 9, 1956, ch. 237, §1, 70 Stat. 130, called for presidential appointment of members of supreme court and circuit courts and set tenure and qualifications of judges.


Section 634, acts Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; May 27, 1910, ch. 256, §8, 36 Stat. 448; July 9, 1921, ch. 42, §312, 42 Stat. 120, related to salaries of justices of supreme court and circuit courts.

Section 634a, acts May 29, 1928, ch. 904, §§1, 2, 45 Stat. 997; Apr. 30, 1926, ch. 228, §1, 70 Stat. 123, related to salaries of justices of supreme court and circuit courts.


Section 634b, acts May 31, 1938, ch. 301, §1, 52 Stat. 591; Apr. 16, 1946, ch. 139, §1, 60 Stat. 90, related to retirement of justices and judges.

Section 634c, acts May 31, 1938, ch. 301, §2, 52 Stat. 591; Apr. 16, 1946, ch. 139, §2, 60 Stat. 90, related to computation of years of service.

§§635, 636. Omitted

CODIFICATION

Sections 635 and 636, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

Section 635, acts Apr. 30, 1900, ch. 339, §83, 31 Stat. 157; Apr. 1, 1902, ch. 127, §1, 36 Stat. 32, continued in force all laws relating to judicial departments and procedure, but made certain changes with reference to membership qualifications for membership on juries.

Section 636, acts Apr. 30, 1900, ch. 339, §§84, 31 Stat. 157; May 27, 1910, ch. 256, §6, 36 Stat. 447, set out standards for disqualification of jurors who were related by affinity or consanguinity with a person interested in case being tried and for disqualification of judges in certain cases.

DISTRCT COURT


Section 642a, acts Aug. 13, 1940, ch. 662, 54 Stat. 784; Apr. 29, 1948, ch. 241, §1, 62 Stat. 204, related to jurisdiction of cases arising on Midway, Wake, Johnston, etc., Islands. See section 91 of Title 28.


§644a. Jurisdiction of district court of cases arising on or within Midway, Wake, Johnston, Sand, etc., Islands; laws applicable to jury trials

The jurisdiction of the United States District Court for the District of Hawaii is extended to all civil and criminal cases arising on or within the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Palmyra Island, Baker Island, Howland Island, Jarvis Island, and, having regard to the special status of Canton and Enderbury Islands pursuant to an agreement of April 6, 1939, between the Governments of the United States and of the United Kingdom to set up a regime for their use in common, the said jurisdiction is also extended to all civil and criminal cases arising on or within Canton Island and Enderbury Island: Provided, That such extension to Canton and Enderbury Islands shall in no way be construed to be prejudicial to the claims of the United Kingdom to said islands in accordance with the agreement. All civil acts and deeds consummated and taking place on any of these islands or in the waters adjacent thereto, and all offenses and crimes committed thereon, or on or in the waters adjacent thereto, shall be deemed to have been consummated or committed on the high seas on board a merchant vessel or other vessel belonging to the United States and shall be adjudicated and determined or adjudged and punished according to the laws of the United States relating to such civil acts or offenses on such ships or vessels on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

The laws of the United States relating to juries and jury trials shall be applicable to the trial of such cases before said district court.


AMENDMENTS


1959—Pub. L. 86–3 extended jurisdiction to cases arising on or within Palmyra Island.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–3 effective on admission of the State of Hawaii into the Union, see note set out under section 91 of Title 28, Judiciary and Judicial Procedure. Admission of Hawaii into the Union was accomplished Aug. 21, 1959, by issuance of Proclamation 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of this title.

CANTON AND ENDERBURY ISLANDS; SOVEREIGNTY OF KIRIBATI

By a treaty of friendship, TIAS 10777, which entered into force Sept. 21, 1983, the United States recognized the sovereignty of Kiribati over Canton Island and Enderbury Island.


Section, act Apr. 30, 1900, ch. 339, §86a, as added June 19, 1939, ch. 211, 53 Stat. 841, related to rules in civil actions. See section 2072 of Title 28, Judiciary and Judicial Procedure.

§ 651. Omitted

CODIFICATION

Section, acts Apr. 30, 1900, ch. 339, §§73, 31 Stat. 158; July 7, 1898, No. 55, §1, 30 Stat. 750, which declared to be property of Hawaiian Government portion of public domain known prior to April 30, 1900, as Crown land.


Section 664, acts Apr. 30, 1900, ch. 339, §73(c), 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, §§3, 36 Stat. 444; July 9, 1921, ch. 42, §304, 42 Stat. 117, declared that laws of Hawaii relating to public lands, settlement of boundaries and issuance of patents on land commission awards, shall continue in force until Congress shall otherwise provide.

Section 664a, act Sept. 26, 1914, ch. 426, §1, 55 Stat. 734, ratified Hawaiian realty transactions consummated on or before November 25, 1941.

Section 664b, act Sept. 26, 1914, ch. 426, §2, 55 Stat. 734, provided that realty transaction so ratified shall be deemed and held to be perfect and valid from day of date thereof.


Section 666, acts Apr. 30, 1900, ch. 339, §73(e), 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; July 9, 1921, ch. 42, §304, 42 Stat. 117, directed that all funds arising from sale or lease of public lands be appropriated by laws of government of the territory of Hawaii.

Section 667, acts Apr. 30, 1900, ch. 339, §73(f), 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, §§3, 36 Stat. 444; July 9, 1921, ch. 42, §304, 42 Stat. 117, set out requirements for those who would be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement. Section was also classified to section 1509 of this title.

Section 668, acts Apr. 30, 1900, ch. 339, §73(g), 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, §§3, 36 Stat. 444; July 9, 1921, ch. 42, §304, 42 Stat. 117, prescribed limitations on alienation of public lands for which certificates of occupancy have been issued. Section was also classified to section 1510 of this title.


Section 670, acts Apr. 30, 1900, ch. 339, §73(i), 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, §§3, 36 Stat. 445; July 9, 1921, ch. 42, §306, 42 Stat. 118, gave commissioner, with approval of governor, right to give preferences in purchasing of public lands. Section was also classified to section 1511 of this title.

Section 672, acts Apr. 30, 1900, ch. 339, §73(k), 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, §§3, 36 Stat. 445; July 9, 1921, ch. 42, §307, 42 Stat. 119, gave commissioner, with approval of governor, power to issue patents to churches or religious organizations. Section was also classified to section 1512 of this title.


Section 676, acts Apr. 30, 1900, ch. 339, §73(o), 31 Stat. 154; Apr. 2, 1908, ch. 124, 35 Stat. 56; May 27, 1910, ch. 258, §§3, 36 Stat. 446; July 9, 1921, ch. 42, §§310, 311, 42 Stat. 119, permitted any person under a general lease from Territory, to continue in possession of such land after expiration of lease until such time as homesteader takes actual possession thereof under any form of homestead agreement.


Section 677a, act Apr. 30, 1900, ch. 339, §73(par.), as added June 12, 1940, ch. 336, §1, 54 Stat. 345, provided for reamortization of indebtedness under homestead agreements.

Section 677b, act Apr. 30, 1900, ch. 339, §73(par.), as added June 12, 1940, ch. 336, §1, 54 Stat. 346, provided for refunds on account of reamortization of homestead agreements.

Section 678, acts Apr. 30, 1900, ch. 339, §107, as added Aug. 9, 1921, ch. 42, §315, 42 Stat. 121, cited the Act of April 30, 1900, ch. 339, 31 Stat. 141, as the “Hawaiian Organic Act”. 

Section 707a, act July 9, 1921, ch. 42, title II, §225, as added Nov. 28, 1941, ch. 574, 55 Stat. 767, and amended June 14, 1948, ch. 464, §§9, 62 Stat. 394, gave Commission power to invest and reinvest any of moneys in loan fund.

Section 708, act July 9, 1921, ch. 42, title II, §214, 42 Stat. 112, authorized Commission to make loans from fund to lessee of any tract or successor to his interest therein.


Section 710, acts July 9, 1921, ch. 42, title II, §216, 42 Stat. 113, provided that lessees of land were not to receive loans under Territorial Farm Land.

Section 711, act July 9, 1921, ch. 42, title II, §217, 42 Stat. 113, gave Commission power to bring an ejectment action against lessee or borrower for noncompliance with Commission orders.

Section 712, act July 9, 1921, ch. 42, title II, §218, 42 Stat. 114, provided that lessees of land were not to receive loans under Territorial Farm Land.

Section 713, act July 9, 1921, ch. 42, title II, §219, 42 Stat. 114, authorized Commission to employ agricultural experts.


Section 715, acts July 9, 1921, ch. 42, title II, §221, 42 Stat. 114; Aug. 1, 1956, ch. 855, §§2, 3, 70 Stat. 915, defined water license and surplus water, subjected water licenses issued after July 9, 1921, to Commission and authorized Commission to use free of all charge, Government-owned water.

Section 715a, act July 9, 1921, ch. 42, title II, §224, as added July 28, 1935, ch. 490, 49 Stat. 782; June 14, 1948, ch. 464, §§2, 69 Stat. 514, reserved right in Congress, to alter, amend, or repeal provisions of sections 691 to 718 and 705 to 716 of this title.

Section 716, act July 9, 1921, ch. 42, title II, §223, 42 Stat. 115, reserved right in Congress, to alter, amend, or repeal provisions of sections 691 to 704 and 705 to 716 of this title.

Section 717, act July 9, 1921, ch. 42, §401, 42 Stat. 121, related to acts repealed.

Section 718, act July 9, 1921, ch. 42, §402, 42 Stat. 121, related to savings provisions.

§§ 721 to 723. Omitted

Codification

Sections 721 to 723, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.


Section 721a, acts July 18, 1950, ch. 466, title I, §102, 64 Stat. 344; Aug. 11, 1955, ch. 783, title I, §107(3), 69 Stat. 637, authorized government of Hawaii to assist slum
clearance and urban redevelopment projects through cash donations, loans conveyances of real and personal property, facilities and services. Section 721b, act July 18, 1930, ch. 466, title I, §103, 64 Stat. 345, ratified all legislation enacted by Legislature of Territory of Hawaii dealing with subject matter of sections 721 to 722 of this title.

Section 722, act July 10, 1937, ch. 484, 50 Stat. 508; July 18, 1950, title II, §202(a), 64 Stat. 345, gave Legislature of Territory of Hawaii power to create public corporate authorities to engage in slum clearance, or housing undertaking.

Section 723, act June 27, 1934, ch. 847, §214, as added Apr. 23, 1949, ch. 89, §2(a), 63 Stat. 57, and amended, related to insurance of mortgages on property in Hawaii. See section 171d of Title 12, Banks and Banking.


CHAPTER 4—PUERTO RICO

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783. Repealed.

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785. Authorization of loans, conveyances, etc., by government and municipalities.

786. Ratification of prior acts.

SUBCHAPTER VII—LOW RENT HOUSING PROJECTS AND ELIMINATION OF SUB-STANDARD HOUSING

790. Slum clearance and urban redevelopment and renewal projects; powers of government.

791a. Authorization of loans, conveyances, etc., by government and municipalities.

791b. Ratification of prior acts.

SUBCHAPTER I—GENERAL PROVISIONS

§ 731. Territory included under name Puerto Rico

The provisions of this chapter shall apply to the island of Puerto Rico and to the adjacent islands belonging to the United States and waters of those islands; and the name Puerto Rico, as used in this chapter, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.
§ 731a. Change of name; Puerto Rico

From and after May 17, 1932, the island designated “Porto Rico” in the Act entitled “An Act to provide a civil government for Porto Rico, and for other purposes,” approved March 2, 1917, as amended, shall be known and designated as “Puerto Rico.” All laws, regulations, and public documents and records of the United States in which such island is designated or referred to under the name of “Porto Rico” shall be held to refer to such island under and by the name of “Puerto Rico.”

(May 17, 1932, ch. 190, 47 Stat. 158.)

REFERENCES IN TEXT

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

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.
§ 731b. Organization of a government pursuant to a constitution

Fully recognizing the principle of government by consent, sections 731b to 731e of this title are now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.

(July 3, 1950, ch. 446, §1, 64 Stat. 319.)

CONSTRUCTION
Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

REFERRALS
Section 6 of act July 3, 1950 provided that: ‘‘All laws or parts of laws inconsistent with this Act [enacting sections 731b to 731e of this title] are hereby repealed.’’

§ 731c. Submission of sections 731b to 731e of this title to people of Puerto Rico for referendum; convening of constitutional convention; requisites of constitution

Sections 731b to 731e of this title shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of said sections, by a majority of the voters participating in such referendum, the Legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution for the said island of Puerto Rico. The said constitution shall provide a republican form of government and shall include a bill of rights.

(July 3, 1950, ch. 446, §2, 64 Stat. 319.)

CONSTRUCTION
Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

CONSTITUTIONAL CONVENTION
A constitutional convention to draft a constitution for the island of Puerto Rico convened in San Juan on Sept. 17, 1951, and concluded its deliberations on Feb. 6, 1952.

REFERENDUM
Act July 3, 1950, which enacted sections 731b to 731e of this title, was submitted to the qualified voters of Puerto Rico through an island-wide referendum held on June 4, 1951, and approved.

§ 731d. Ratification of constitution by Congress

Upon adoption of the constitution by the people of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress of the United States if he finds that such constitution conforms with the applicable provisions of sections 731b to 731e of this title and of the Constitution of the United States.

Upon approval by the Congress the constitution shall become effective in accordance with its terms.

(July 3, 1950, ch. 446, §3, 64 Stat. 319.)

CONSTRUCTION
Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

§ 731e. Chapter continued in force and effect

This chapter is continued in force and effect.

(July 3, 1950, ch. 446, §4, 64 Stat. 319.)

REFERENCES IN TEXT
This chapter, referred to in text, was in the original ‘‘the Act entitled ‘An Act to provide a civil government for Porto Rico, and for other purposes,’ approved March 2, 1917, as amended’, meaning Act Mar. 2, 1917, ch. 145, 39 Stat. 953, as amended, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables.

CONSTRUCTION
Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.


Section, acts Mar. 2, 1917, ch. 145, §4, 39 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158, designated San Juan as the capital of Puerto Rico. Section 8 of act Apr. 12, 1900, ch. 191, 31 Stat. 79, formerly cited as a credit to this section, was not repealed by act July 3, 1900.

EFFECTIVE DATE OF REPEAL
Section 5 of act July 3, 1950, provided that the repeal of this section and sections 735, 750, 753, 754, 771-793, 7930, 796-799, 811-820, 822, 823, 824-944, 861, and 873 of this title and the amendment of sections 737 and 752 of this title were to be effective at such time as the Constitution of the Commonwealth of Puerto Rico became effective. Under section 731d of this title, that Constitution, upon approval by the Congress of the United States, ‘‘shall become effective in accordance with its terms’’. Congress, by act July 3, 1952, ch. 567, 66 Stat. 327, approved, with certain conditions, that Constitution; the approving act further provided that the Constitution, as so approved, ‘‘shall become effective when the Constitutional Convention of Puerto Rico shall have declared in a formal resolution its acceptance in the name of Puerto Rico of the conditions of approval herein contained, and when the Governor of Puerto Rico, being duly notified by the proper officials of the Constitutional Convention of Puerto Rico that such resolution of acceptance has been formally adopted, shall issue a proclamation to that effect’’. The Constitution was proclaimed by the Governor of Puerto Rico on July 25, 1952, and became effective on that date.

§ 733. Citizens; former Spanish subjects and children; body politic; name

All inhabitants continuing to reside in Puerto Rico who were Spanish subjects on the 11th day of April 1899, and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April 1900,
§ 733a. Citizens; residence in island of citizens of United States

All citizens of the United States who have resided or who shall after March 4, 1927, reside in the island for one year shall be citizens of Puerto Rico.


Section, act Mar. 2, 1917, ch. 145, § 5b, as added June 25, 1948, ch. 649, 62 Stat. 1015, related to nonapplication of section 804(c) of Title 8, Aliens and Nationality.

§ 733b. Omitted

§ 734. United States laws extended to Puerto Rico; internal revenue receipts covered into treasury

The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws other than those contained in the Philippine Trade Act of 1946 [22 U.S.C. 1251 et seq.] or the Philippine Trade Agreement Revision Act of 1955 [22 U.S.C. 1371 et seq.]: Provided, however, That after May 1, 1946, all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Puerto Rico.


Section, act Mar. 2, 1917, ch. 145, § 5b, as added June 25, 1948, ch. 649, 62 Stat. 1015, related to nonapplication of section 804(c) of Title 8, Aliens and Nationality.

§ 733b. Omitted

Prior to the enactment of the Nationality Act of 1940, act Oct. 14, 1940, ch. 876, 54 Stat. 1157, this section, act Mar. 2, 1917, ch. 145, § 5b, as added June 27, 1934, ch. 846, 48 Stat. 1245, provided as follows: “All persons born in Puerto Rico on or after April 11, 1899 (whether before or after June 27, 1934) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: Provided, That this section shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship here-tofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: And provided further, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 389 of title 8.”

The second proviso thereof was repealed by section 403(a) of the Nationality Act of 1940. Provisions relating to citizenship of persons born in Puerto Rico, are contained in section 1402 of Title 8, Aliens and Nationality.
exempt from making the reports to the Coordinator of Federal Agencies in Puerto Rico which are provided for in such section.

Harry S. Truman.

Ex. ord. No. 10005, establishment of president's advisory commission on relation of federal laws to Puerto Rico

Ex. ord. No. 10005, eff. Oct. 5, 1948, 13 F.R. 5854, provided:

WHEREAS section 9 of the Organic Act of Puerto Rico, 39 Stat. 954 [this section], provides that "the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States"; and

WHEREAS section 49b(3) of the said Act, which was added by section 6 of the act of August 5, 1947, 61 Stat. 732 [section 732 of this title], provides that "the President of the United States may, from time to time, after hearing, promulgate Executive orders expressly excepting Puerto Rico from the application of any Federal law, not expressly declared by Congress to be applicable to Puerto Rico, which is contemplated by section 9 of this act [this section] is inapplicable by reason of local conditions";

NOW, THEREFORE, by virtue of the authority vested in me by the said Organic Act of Puerto Rico, and as President of the United States, it is ordered as follows:

1. There is hereby created a commission to be known as the President's Advisory Commission on the Relation of Federal Laws to Puerto Rico, which shall be composed of nine members to be designated by the President and to serve without compensation.

2. The Commission shall from time to time make recommendations to the President concerning the exercise of his power under section 49b(3) of the Organic Act of Puerto Rico [section 732 of this title] to exempt Puerto Rico from the application of Federal laws. To that end, the Commission is authorized to examine into, and to hold hearings on, the inapplicability of Federal laws to Puerto Rico by reason of local conditions.

3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such information as the Commission may require in the performance of its duties.

4. The Commission shall continue to exist until the President terminates its existence by Executive order.

Harry S. Truman.

Administrative treatment of Puerto Rico as a state

Memorandum of President of the United States, Nov. 30, 1952, 37 F.R. 57083, provided:

Memorandum for the Heads of Executive Departments and Agencies

Puerto Rico is a self-governing territory of the United States whose residents have been United States citizens since 1917 and have fought valiantly in five wars in the defense of our Nation and the liberty of others.

On July 25, 1962, as a consequence of steps taken by the United States Government and the people of Puerto Rico voting in a referendum, a new constitution was promulgated establishing the Commonwealth of Puerto Rico. The Commonwealth structure provides for self-government in respect of internal affairs and administration, subject to relevant portions of the Constitution and the laws of the United States. As long as Puerto Rico is a territory, however, the will of its people regarding their political status should be ascertained periodically by means of a general right of referendum or specific referenda sponsored either by the United States Government or the Legislature of Puerto Rico.

Because Puerto Rico's degree of constitutional self-government, population, and size set it apart from other areas also subject to Federal jurisdiction under Article IV, section 3, clause 2 of the Constitution, I hereby direct all Federal departments, agencies, and officials, to the extent consistent with the Constitution and the laws of the United States, henceforward to treat Puerto Rico administratively as if it were a State, except insofar as doing so with respect to an existing Federal program or activity would increase or decrease Federal receipts or expenditures, or would seriously disrupt the operation of such program or activity. With respect to a Federal program or activity for which no fiscal baseline has been established, this memorandum shall not be construed to require that such program or activity be conducted in a way that increases or decreases Federal receipts or expenditures relative to the level that would obtain if Puerto Rico were treated other than as a State.

If any matters arise involving the fundamentals of Puerto Rico's status, they shall be referred to the Office of the President.

This guidance shall remain in effect until Federal legislation is enacted altering the current status of Puerto Rico in accordance with the freely expressed wishes of the people of Puerto Rico.

The memorandum for the heads of executive departments and agencies on this subject, issued July 25, 1961 [36 F.R. 6696], is hereby rescinded.

This memorandum shall be published in the Federal Register.

George Bush.

§ 734a. Extension of industrial alcohol and internal revenue laws to Puerto Rico

Title III of the National Prohibition Act, as amended, and all provisions of the internal revenue laws relating to the enforcement thereof, are extended to and made applicable to Puerto Rico from and after August 27, 1935. The Insular Government shall advance to the Treasury of the United States such funds as may be required from time to time by the Secretary of the Treasury for the purpose of defraying all expenses incurred by the Treasury Department in connection with the enforcement in Puerto Rico of the said "Title III and regulations promulgated thereunder. The funds so advanced shall be deposited in a separate trust fund in the Treasury of the United States and shall be available to the Treasury Department for the purposes of this section.

(June 26, 1936, ch. 830, title III, § 329(c), 49 Stat. 1967.)

References in Text

The National Prohibition Act, as amended, referred to in text, is act Oct. 28, 1919, ch. 85, 41 Stat. 305, as amended. Title III of such Act was classified principally to chapter 3 (§71 et seq.) of Title 27, Intoxicating Liquors, and was omitted from the Code in view of the incorporation of such provisions in the Internal Revenue Code of 1939, and subsequently into the Internal Revenue Code of 1966.

Section, acts Mar. 2, 1917, ch. 145, § 57, 39 Stat. 968; May 17, 1932, ch. 190, 47 Stat. 158, continued certain Puerto Rican laws in force and authorized the legislative authority to modify or repeal laws. Section 15 of the Act Apr. 12, 1900, ch. 191, 31 Stat. 80, formerly cited as a credit to this section, was not repealed by act July 3, 1950.

**Effective Date of Repeal**

Repeal effective July 25, 1952, see Effective Date of Repeal note set out under section 732 of this title.

§ 736. Puerto Rican law modified

So much of the law which was in force at the time of cession, April 11th, 1899, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph 4, article 83, chapter 3, civil code, and which was continued by the order of the secretary of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, is repealed and annulled, and all persons lawfully married in Puerto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages. Paragraph 1, article 105, section 4, divorce, civil code, and paragraph 2, section 19, of the order of the minister of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, are so amended as to read: “Adultery on the part of either the husband or the wife.”

(Apr. 12, 1900, ch. 191, § 8, 31 Stat. 79; May 17, 1932, ch. 190, 47 Stat. 158.)

**Codification**

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

**Change of Name**

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731b of this title.

§ 737. Privileges and immunities

The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.


**Amendments**

1934—Act Mar. 2, 1934, repealed so much of former provisions of twentieth paragraph of this section making it unlawful to import, manufacture, sell or give away, or to expose for sale or gift any intoxicating liquors. The penalty formerly contained in such paragraph, related only to violation of such provisions.

**Effective Date of 1950 Amendment**

Amendment by act July 3, 1950, effective July 25, 1952, the date the Constitution of Puerto Rico became effective, see Effective Date of Repeal note set out under section 732 of this title.

§ 738. Free interchange of merchandise with United States

All merchandise and articles coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry free of duty and in no event shall any tariff duties be collected on said merchandise or articles.

(Apr. 12, 1900, ch. 191, § 3, 31 Stat. 77; May 17, 1932, ch. 190, 47 Stat. 158.)

**Codification**

Act Apr. 12, 1900, § 3, as originally enacted, imposed tariff duties, amounting to 15 per centum of the duties on like articles imported from foreign countries, on all articles of merchandise coming into the United States from Porto Rico and vice versa. Merchandise and articles except coffee, not dutiable under United States’ tariff laws, and merchandise or articles entered in Porto Rico free of duty under orders theretofore made by the Secretary of War, were to be admitted from the United States free of duty, all laws or parts of laws to the contrary, notwithstanding. However, all of the aforesaid tariff duties were to cease, and the provisions in the text were to become operative, whenever the local legislative assembly should put into operation a system of local taxation, and the President should make proclamation thereof. In no event were those duties to be collected after March 1, 1902. In accordance with the aforesaid provision President McKinley issued his proclamation July 25, 1901, 32 Stat. 1983.

Section 3 also contained provisions relating to a tax on merchandise of Porto Rican manufacture equal to the internal-revenue tax imposed in the United States, and on merchandise of United States manufacture coming into Porto Rico, a tax equal to the internal-revenue tax imposed in Porto Rico upon like articles of Porto Rican manufacture which are contained in sections 7652 and 7653 of Title 26, Internal Revenue Code.

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

**Change of Name**

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 739. Duties on foreign imports; books and pamphlets in English language

The same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries. All books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States.

(Apr. 12, 1900, ch. 191, § 2, 31 Stat. 77; Aug. 5, 1909, ch. 6, § 1, 36 Stat. 71, 74; May 17, 1932, ch. 190, 47 Stat. 158.)
Codification
Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

Amendments
1909—Act Aug. 5, 1909, placed coffee in the bean or ground, imported into Puerto Rico, formerly subject to a duty of 5 cents, on the duty free list.

CHANGE OF NAME
"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 740. Duties and taxes to constitute fund for benefit of Puerto Rico; ports of entry

The duties and taxes collected in Puerto Rico in pursuance of the provisions of this Act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Puerto Rico, shall be paid into the treasury of Puerto Rico to be expended as required by law for the government and benefit thereof, and the Secretary of the Treasury shall designate the several ports and subports of entry in Puerto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Puerto Rico by the provisions of this Act, and he shall fix the compensation and provide for the pay- ment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions of law.

(Apr. 12, 1900, ch. 191, § 4, 31 Stat. 78; May 17, 1932, ch. 190, 47 Stat. 158.)

References in text
This Act, referred to in text, means act Apr. 12, 1900, ch. 191, 31 Stat. 77, as amended, popularly known as the Foraker Act, which, insofar as is classified to the Code, enacted sections 733, 736, 738 to 740, 743, 744, 755, 864, and 866 of this title and amended sections 1 and 11 of former Title 11, Bankruptcy. For complete classification of this Act to the Code, see Tables.

Codification
Additional provisions of act Apr. 12, 1900, § 4, directing the payment of duties and taxes into a separate fund in the Treasury of the United States until the organization of a local civil government, have been omitted.

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

Change of Name
"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

Transfer of Functions
All offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise of Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished, with such offices to be terminated not later than December 31, 1966, by Reorg. Plan No. 1, of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. All functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

§ 741a. Internal-revenue taxes; levy and collection; discrimination

The internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this chapter on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: Provided, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes.


Codification
Section is comprised of first part of section 3 of act Mar. 2, 1917, down to the proviso clause. The remainder of section 3 is classified to sections 741a and 745 of this title.

Prior Provisions
Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 38, 31 Stat. 86.

Amendments
1927—Act Mar. 4, 1927, inserted imposition of income taxes.
1921—Act Feb. 3, 1921, reenacted section without change.

§ 741. Export duties, taxes, etc.; bonds to anticipate revenues

No export duties shall be levied or collected on exports from Puerto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit.


References in text
This chapter, referred to in text, was in the original "this Act", meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, as amended, known as the Puerto Rican Federal Relations Act which comprises this chapter.
§ 742. Acknowledgment of deeds

Deeds and other instruments affecting land situated in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public. The certificate by such notary shall be accompanied by the certificate of the executive secretary of Puerto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.


Prior Provisions

Provisions similar to those in this section were contained in act Mar. 22, 1902, ch. 273, 32 Stat. 88, except that that act required the certificate of the attorney general of Puerto Rico, rather than of the executive secretary of Puerto Rico as required by this section.

Change of Name

"Puerto Rico" substituted in text for "Porto Rico."
1921—Act Feb. 3, 1921, increased allowable public indebtedness from 7 to 10 per centum of aggregate tax valuation of property.

**Effective Date of 1961 Amendment**

Section 2 of Pub. L. 87–121 provided that: "Section 1 of this Act (amending this section) shall take effect upon a majority of the qualified electors of Puerto Rico having voted in a referendum pursuant to section 1 of article VII of the constitution of the Commonwealth of Puerto Rico, to include provisions in the Commonwealth constitution, in lieu of the provisions of section 3 of the Puerto Rican Federal Relations Act (this section) specified herein, limiting the debt-incurring capacity of the Commonwealth and of its municipalities (as proposed in the concurrent resolution of the legislative assembly of the Commonwealth)."

(Referendum held Dec. 19, 1961, and debt limitation amendment to Article VI, §2, of Constitution of Commonwealth of Puerto Rico ratified by a majority of voters.)

§ 745a. Public improvement bonds sold to United States or agency thereof excluded from public indebtedness

Bonds or other obligations of Puerto Rico or any municipal government therein, payable solely from revenues derived from any public improvement or undertaking (which revenues may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking), and issued and sold to the United States of America or any agency or instrumentality thereof, shall not be considered public indebtedness of the issuer within the meaning of section 745 of this title.


**Codification**

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 745b. Refunding bonds excluded temporarily in computing indebtedness

Any bonds or other obligations of Puerto Rico issued after August 3, 1935, for the purpose of retiring previously outstanding bonds or obligations shall not be included in computing the public indebtedness of Puerto Rico under section 745 of this title, until six months after their issue.


**Codification**

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 746. Public lands and buildings; reservations; rights prior to July 1, 1902

All public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in the island of Puerto Rico and not reserved by the President of the United States prior to July 1, 1903, pursuant to authority vested in him by law, are granted to the government of Puerto Rico, to be held or disposed of for the use and benefit of the people of said island. Said grant is upon the express condition that the government of Puerto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President as mentioned herein. Nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Puerto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May 1900.

(July 1, 1902, ch. 1383, §1, 32 Stat. 731; May 17, 1932, ch. 190, 47 Stat. 158.)

**Codification**

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

**Change of Name**

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

**Law Library**

Section 2 of act July 1, 1902, made an appropriation for the purchase of a law library for the use of the United States District Court for Puerto Rico.

**Expenses and Term of Resident Commissioner**

Section 3 of act July 1, 1902, related to allowance of traveling expenses in addition to salary to the resident commissioner from Puerto Rico, and to the commencement of his term.

§ 747. Public property transferred; “control” defined

All property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December 1898, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Puerto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not reserved by the United States for public purposes prior to March 2, 1917, is placed under the control of the government of Puerto Rico, to be administered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all matters, as it may deem advisable. Notwithstanding any other provision of law, as used in this section “control” includes all right, title, and interest in and to and jurisdiction and authority over the aforesaid property and includes proprietary rights of ownership, and the rights of management, administration, leasing, use, and development of such property.


**Codification**

Section is comprised of that part of section 7 of act Mar. 2, 1917, preceding the proviso clause. The remainder of section 7 is classified to section 748 of this title.

**Prior Provisions**

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, §13, 31 Stat. 80.
§ 748. Conveyance by President to people of lands, buildings, etc.

The President may, from time to time, in his discretion, convey to the people of Puerto Rico, such lands, buildings, or interests in lands, or other property now owned by the United States, and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.


CODIFICATION
Section is comprised of proviso clause of section 7 of act Mar. 2, 1917. The text preceding the proviso clause of section 7 is classified to section 731a of this title.

CHANGE OF NAME
"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 749. Harbors and navigable waters transferred; definitions

The harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Puerto Rico and the adjacent islands and waters, owned by the United States on March 2, 1917, and not reserved by the United States for public purposes, are placed under the control of the government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in sections 747 and 748 of this title. All laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters. Nothing in this chapter contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers lawfully granted or exercised or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of the Army or other authorized officer or agent of the United States prior to March 2, 1917. Notwithstanding any other provision of law, as used in this section (1) "submerged lands underlying navigable bodies of water" include lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide, all lands underlying the navigable bodies of water in and around the island of Puerto Rico and the adjacent islands and artificial or reliction seaward to a distance of three marine leagues; (2) "navigable bodies of water and submerged lands underlying the same in and around the island of Puerto Rico and the adjacent islands and waters" extend from the coastline of the island of Puerto Rico and the adjacent islands as herefore or hereafter modified by accretion, erosion, or reliction, seaward to a distance of three marine leagues; (3) "control" includes all right, title, and interest in and to jurisdiction and authority over the submerged lands underlying the harbor areas and navigable streams and bodies of water in and around the island of Puerto Rico and the adjacent islands and waters, and the natural resources underlying such submerged lands and waters, and includes proprietary rights of ownership, and the rights of management, administration, leasing, use, and development of such natural resources and submerged lands beneath such waters.


CODIFICATION
This chapter, referred to in text, was in the original "this Act", meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, as amended, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables.

AMENDMENTS
1980—Pub. L. 96–205 inserted provisions defining "control".

CHANGE OF NAME
"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.


EFFECTIVE DATE OF REPEAL
Repeal effective July 25, 1952, see note set out under section 732 of this title.
§ 751. Interstate commerce and certain other laws inapplicable to Puerto Rico

Subtitle IV of title 49, and the Safety Appliance Acts and the several amendments made or to be made thereto, shall not apply to Puerto Rico.


REFERENCES IN TEXT

The Safety Appliance Acts, referred to in text, are acts Mar. 2, 1893, ch. 196, 27 Stat. 531; Mar. 2, 1903, ch. 976, 32 Stat. 945; and Apr. 14, 1910, ch. 166, 36 Stat. 298, which were classified to sections 1 to 15 of Title 45, Railroads, and were repealed and reenacted in sections 20102, 20301 to 20302, 21302, and 21304 of Title 49, Transportation, by Pub. L. 103–272, §§1(e), 7(b), July 5, 1994, 108 Stat. 863, 861, 892, 893, 1979, the first section of which enacted subtitles II, III, and V to X of Title 49. Section 6 of act Apr. 14, 1910, which was classified to section 15 of Title 49, was repealed and reenacted as section 501(b) of Title 49 by Pub. L. 97–448, Jan. 12, 1983, 96 Stat. 2413.

CODIFICATION

"Subtitle IV of title 49" substituted in text for "The Interstate Commerce Act and the several amendments made or to be made thereto [49 U.S.C. 1 et seq.]", and "the Act of Congress entitled "An Act to amend an Act entitled "An Act to regulate commerce," approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913 [49 U.S.C. 1a–g]" on authority of Pub. L. 95–473, §3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49, Transportation.

Section is comprised of second paragraph of section 38 of act Mar. 2, 1917. The first and third paragraphs of section 38 were classified to sections 750 and 753, respectively, of this title.

AMENDMENTS

1927—Act Mar. 4, 1927, reenacted section without change.

CHANGE OF NAME

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 752. Corporate real estate holdings

No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation authorized after May 1, 1900, to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Puerto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.


CODIFICATION

Section is comprised of section 3 (less first sentence) of act May 1, 1900. The first sentence of such section 3 was superseded by section 39 of act Mar. 2, 1917. Prior to repeal of such section 39 by act July 3, 1950, the sentence read: "That all franchises, privileges or concessions granted under section thirty-two of said Act [act Apr. 12, 1900, ch. 191, 31 Stat. 83] shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the rates thereof and for the purchase or taking by the public authorities of their property at a fair and reasonable valuation." Section was not enacted as a part of the Puerto Rican Federal Relations Act which comprises this chapter.

CHANGE OF NAME

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

REPEALS

Section 5(2) of act July 3, 1950, repealed section 39 of act Mar. 2, 1917, cited as a credit to this section, eff. July 25, 1952. See Effective Date of Repeal note set out below.

EFFECTIVE DATE OF REPEAL


Section 754, acts Mar. 2, 1917, ch. 145, §35, 39 Stat. 963; May 17, 1932, ch. 190, 47 Stat. 158, which had been transferred to section 814a of this title, related to qualifications of electors.

EFFECTIVE DATE OF REPEAL

Repeal of sections 753 and 754 effective July 25, 1952, see note set out under section 732 of this title.

§ 755. Omitted

CODIFICATION

Section, act Apr. 12, 1900, ch. 191, §11, 31 Stat. 80, provided for redemption by Secretary of the Treasury of Puerto Rican silver coins known as the peso and all other Puerto Rican silver and coppers in circulation on Apr. 12, 1900, except those imported after Feb. 1, 1900, at rate of 69 cents per peso and for recoining of such coins into United States coins, and made United States coins sole legal tender in payment of debts, except those owing prior to Apr. 12, 1900, which were payable in Puerto Rico coins or their exchanged equivalents.

SUBCHAPTER II—THE EXECUTIVE AND GOVERNMENT OFFICIALS


Section, act Mar. 2, 1934, ch. 37, § 4, 48 Stat. 361, created a Model Housing Board, and provided for construction and sale of model houses and for creation of a revolving "model housing fund".

DISPOSITION OF MONEYS IN REVOLVING FUND


EFFECTIVE DATE OF REPEAL

Repeal effective July 25, 1952, see note set out under section 732 of this title.

$794. Official reports

All reports required by law to be made by the governor or heads of departments to any official of the United States shall be made to an executive department of the Government of the United States to be designated by the President, and the President is authorized to place all matters pertaining to the government of Puerto Rico in the jurisdiction of such department.


PRIOR PROVISIONS

Provisions similar to those in this section were contained in act July 15, 1909, ch. 4, § 2, 36 Stat. 11.

CHANGE OF NAME

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

EX. ORD. NO. 9383. COORDINATION OF FUNCTIONS AND POLICIES OF FEDERAL CIVIL AGENCIES IN PUERTO RICO AND THE VIRGIN ISLANDS

Ex. Ord. No. 9383, eff. Oct. 5, 1943, 8 F.R. 13781, provided:

1. Each Federal civil agency performing services in Puerto Rico or in the Virgin Islands shall make current
§ 795. Government expenses payable out of revenues

All expenses that may be incurred on account of the government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the treasurer of Puerto Rico out of the revenue in his custody.


Prior Provisions

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 12, 31 Stat. 80, with the exception of the words "except as otherwise specifically provided by the Congress".

Change of Name

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

§§ 796 to 799. Repealed. July 3, 1950, ch. 446, § 52(d), 64 Stat. 320


Section 799, act Mar. 2, 1917, ch. 145, § 51, 39 Stat. 967, provided for payment of municipal expenses from municipal revenues.

Effective Date of Repeal

Repeal of sections 796 to 799 effective July 25, 1952, see note set out under section 732 of this title.

§ 821. Legislative power

The legislative authority shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character in force in Puerto Rico or municipality or district thereof on March 2, 1917, insofar as such alteration, amendment, modification, or repeal may be consistent with the provisions of this chapter.


References in Text

This chapter, referred to in text, was in the original "this Act", meaning act Mar. 2, 1917, ch. 145, 39 Stat. 951, as amended, known as the Puerto Rican Federal Relations Act and also popularly known as the Jones Act, which is classified principally to this chapter. For


Effective Date of Repeal
Repeal of sections 822 and 823 effective July 25, 1952, see note set out under section 732 of this title.

§ 823a. Omitted

Codification
Section, act June 16, 1938, ch. 460, 52 Stat. 708, related to Congressional ratification of all joint resolutions.


Section 824, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 961, related to passage of bills and their alterations or amendments.
Section 825, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 960, related to reference of bills to committees, signature by governor, and approval by President.
Section 829, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 961, required sessions of each house and committees to be open.
Section 831, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 962, required presiding officer to sign bills and resolutions.
Section 832, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 962, provided that bills, with the exception of appropriation bills, were to contain one subject.
Section 833, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 962, provided that revenue bills were to originate in house of representatives.
Section 836, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 962, required legislature to prescribe number, duties and compensation of officers and employees.
Section 839, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 962, related to presentation of orders, resolutions, etc., to Governor.
Section 840, act Mar. 2, 1917, ch. 145, §34, 39 Stat. 960, required Governor to submit a financial budget at opening of each regular session of the legislature.
Section 841, acts Mar. 2, 1917, ch. 145, §34, 39 Stat. 962; May 17, 1932, ch. 190, 47 Stat. 158, provided for order of payment of appropriations, where revenue insufficient to meet appropriations, and limited appropriations under certain conditions.

Effective Date of Repeal
Repeal of sections 824 to 844 effective July 25, 1952, see note set out under section 732 of this title.

§ 845. Income tax laws; modification or repeal by legislature

The Puerto Rican Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in Puerto Rico.

(Feb. 26, 1926, ch. 27, §§261, 1200, 44 Stat. 52, 125; May 17, 1932, ch. 190, 47 Stat. 158.)

Codification
Similar provisions of act Feb. 26, 1926, which related to the Philippine Islands, were formerly classified to section 1055 of this title.
Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

Prior Provisions
Provisions similar to those in this section were contained in act June 2, 1924, ch. 234, §261, 43 Stat. 294, prior to repeal by section 1200 of act Feb. 26, 1926, to take effect Jan. 1, 1925.

Change of Name
"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

SUBCHAPTER IV—THE JUDICIARY


Section, acts Mar. 2, 1917, ch. 145, §40, 39 Stat. 965; May 17, 1932, ch. 190, 47 Stat. 158, vested judicial power in courts established and in operation on Mar. 2, 1917, provided for appointment of chief justice and associate justices of the supreme court by President with advice and consent of United States Senate, and authorized Puerto Rican legislature to organize, modify or rearrange the courts and their jurisdiction and procedure, except United States District Court.

Effective Date of Repeal
Repeal effective July 25, 1952, see note set out under section 732 of this title.

§ 862. Omitted

Codification


Savings Provision

§ 864. Appeals, certiorari, removal of causes, etc.; use of English language

The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico.

All pleadings and proceedings in the United States District Court for the District of Puerto Rico shall be conducted in the English language.


References in text
The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings as between the United States and the courts of the several States, are classified to Title 28, Judiciary and Judicial Procedure.

Codification
“United States District Court for the District of Puerto Rico” substituted in text for “District Court of the United States for Puerto Rico” in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that “There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district” and section 119 of Title 28, which states that “Puerto Rico constitutes one judicial district.”

Prior Provisions
Act Mar. 3, 1911, ch. 231, §244, 36 Stat. 1157, related to direct appeals from The Supreme Court and the United District Court for Puerto Rico to the United States Supreme Court, prior to repeal by act Jan. 26, 1915, ch. 22, §1, 38 Stat. 804.

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, §34, 31 Stat. 84.

Amendments
1948—Act June 25, 1948, amended section generally, and struck out provisions relating to the term of district court and appeals to the circuit court.

1925—Act Feb. 13, 1925, ch. 229, §13, repealed provisions of this section permitting a direct review by the Supreme Court of cases in the courts in Puerto Rico.

Change of Name
“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

Effective Date of 1948 Amendment
Amendment by act June 25, 1948, effective Sept. 1, 1948, see section 38 of that act, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

Repeals
Section 39 of act June 25, 1948, repealed section 1 of act Feb. 13, 1925, ch. 229, 43 Stat. 936, formerly cited as a credit to this section, which authorized review in the Circuit Court of Appeals in the First Circuit.


Effective Date of Repeal
Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 866. Omitted

Codification
Section, act Apr. 12, 1900, ch. 191, §35, 31 Stat. 85, provided that all proceedings in Supreme Court of United States to review decisions of Supreme Court of Puerto Rico and the District Court of the United States for Puerto Rico, should be conducted in the English language.


Section, acts Mar. 2, 1917, ch. 145, §§44, 39 Stat. 966; May 17, 1932, ch. 190, 47 Stat. 158, set out qualifications for jurors in District Court of United States for Puerto Rico as different from those set by local law and directed that jurors be selected, drawn, and subject to exemption in accordance with laws of Congress insofar as locally applicable.

Effective Date of Repeal
Repeal effective 270 days after Mar. 27, 1968, except as to cases in which an indictment is returned or petit jury is empaneled prior to such effective date, see section 104 of Pub. L. 90–274, set out as an Effective Date of 1968 Amendment note under section 1861 of Title 28, Judiciary and Judicial Procedure.

§ 868. Fees part of United States revenues

All fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the United States District Court for the District of Puerto Rico. The sum of $500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

§ 860. Fees payable by United States out of revenue of Puerto Rico

Such fees and expenses as are payable by the United States if earned or incurred in connection with a district court of the United States shall be paid from the revenue of Puerto Rico if earned or incurred in connection with the United States District Court for the District of Puerto Rico.

(Mar. 2, 1901, ch. 812, § 2, 31 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158.)

Codification

“United States District Court for the District of Puerto Rico” substituted in text for “District Court of the United States for Puerto Rico” in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that “There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district” and section 119 of Title 28, which states that “Puerto Rico constitutes one judicial district.”

§ 861. Omitted

Codification

Section, acts Mar. 2, 1917, ch. 145, § 47, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, which related to fees and mileage of jurors and witnesses, was superseded by sections 1821, 1825 and 1871 of Title 28, Judiciary and Judicial Procedure.

§ 872. Habeas corpus; mandamus; suit to restrain assessment or collection of taxes

The supreme and district courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases.

No suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the United States District Court for the District of Puerto Rico.


Codification

“United States District Court for the District of Puerto Rico” substituted in text for “District Court of the United States for Puerto Rico” in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that “There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district” and section 119 of Title 28 which states that “Puerto Rico constitutes one judicial district.”

Amendments

1927—Act Mar. 4, 1927, added second paragraph.

Change of Name

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.


Effective Date of Repeal

Repeal effective July 3, 1952, see note set out under section 732 of this title.


Section, act Feb. 12, 1940, ch. 25, § 1, 54 Stat. 22, which related to rules governing civil cases. See section 2072 of Title 28, Judiciary and Judicial Procedure.

Effective Date of Repeal

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 874. Judicial process; officials to be citizens of United States; oath

All judicial process shall run in the name of “United States of America, as, the President of the United States”, and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of “The People of Puerto Rico.” All officials shall be citizens of the United States, and, before enter-
ing upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Puerto Rico.


PRIOR PROVISIONS
Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, §16, 31 Stat. 81.

CHANGE OF NAME
“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.


EFFECTIVE DATE OF REPEAL
Repeal effective Sept. 1, 1948, see section 38 of act June 23, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER V—RESIDENT COMMISSIONER

§ 891. Resident Commissioner; election

The qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States at each general election, whose term of office shall be four years from the 3d of January following such general election, and who shall be entitled to receive official recognition as such commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico.


CODIFICATION
Section is comprised of second sentence of section 36 of act Mar. 2, 1917. The first sentence of section 36, providing for election of a Resident Commissioner to the United States at the next general election for a term commencing with date of issuance of certificate of election and terminating Mar. 4, 1921, was omitted. Parts of the third and fourth sentences of section 36 are classified to section 893 of this title. The other part of the third sentence of section 36, which fixed the salary of the commissioner at $7,500 per annum, was superseded by act Feb. 26, 1907, ch. 1635, §4, 34 Stat. 993, as amended by act Mar. 4, 1925, ch. 549, §4, 43 Stat. 1301. See Prior Provisions note under section 31 of Title 2, The Congress. The other part of the fourth sentence of section 36, which allowed the commissioner $500 as mileage, was classified to former section 46 of Title 2 and was omitted from the Code as superseded by former section 430–1 of Title 2. The fifth and sixth sentences of section 36 are classified to section 892 of this title.

PRIOR PROVISIONS
Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, §39, 31 Stat. 86. The salary allowed by section 39 of act Apr. 12, 1900, was increased by act Feb. 26, 1907, ch. 1635, §4, 34 Stat. 993.

The resident commissioner was allowed traveling expenses in addition to his salary, and the commencement of his term was fixed by act July 1, 1902, ch. 1383, §3, 32 Stat. 732.

The manner of paying the salary and traveling expenses of the resident commissioner was fixed by a provision of act June 22, 1906, ch. 3514, §1, 34 Stat. 417.

AMENDMENTS
1934—Act June 5, 1934, changed commencement of term of office from Mar. 4 to Jan. 3 following the general election.

CHANGE OF NAME
“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 892. Qualifications of Commissioner; appointment to fill vacancy

No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.


CODIFICATION
Section is comprised of fifth and sixth sentences of section 36 of act Mar. 2, 1917. For classification of the remainder of section 36, see Codification note set out under section 891 of this title.

PRIOR PROVISIONS
Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, §39, 31 Stat. 86.

§ 893. Salary of Commissioner; allowances; franking privilege

The Resident Commissioner shall receive a salary payable monthly by the United States. He shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is allowed Members of the House of Representatives of the United States. He shall be allowed the franking privilege granted Members of Congress.


CODIFICATION
Section is comprised of parts of third and fourth sentences of section 36 of act Mar. 2, 1917. For classification of the remainder of section 36, see Codification note set out under section 891 of this title.

§ 894. Salary and traveling expenses; payment

The salary and traveling expenses of the Resident Commissioner from Puerto Rico to the United States shall be paid by the Chief Administrative Officer of the House of Representatives in the same manner as the salaries of the members of the House of Representatives are paid.

§910  Slum clearance and urban redevelopment projects; powers of government

The government of Puerto Rico acting through its legislature, may create a public corporate authority or authorities and may authorize such authority or authorities or any other public corporate authority or any municipal corporation or political subdivision, acting directly or through any officer or agency thereof or through a public corporate authority, to undertake slum clearance and urban redevelopment projects and urban renewal projects and to do all things, exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning and zoning, necessary or desirable for receiving Federal assistance under title I of the Housing Act of 1949 (Public Law 171, Eighty-first Congress), as amended (42 U.S.C. 1450 et seq.), or any other law, except that public corporate authorities (as distinct from municipalities or political subdivisions) created or authorized to operate in accordance with this Act, as amended, shall not be given any power of taxation or any power to pledge the full faith and credit of the people of the Territory, or municipality, or political subdivision, as the case may be, for any loan whatever. The Legislature of Puerto Rico may, with respect to any public corporate authority or authorities empowered or which may be empowered to undertake slum clearance and urban redevelopment projects and urban renewal projects, provide for the appointment and terms of office of the members thereof, and for the powers of such authorities, including authority to accept whatever benefits the Federal Government may make available for slum clearance and urban redevelopment projects and urban renewal projects, and authority, notwithstanding any other Federal law, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the respective legislatures may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of any Territory or municipal corporation or other political subdivision or agency thereof other than the public corporate authority which issued such notes, bonds, or obligations, nor constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to Puerto Rico, or to any municipal corporation or other political subdivision or agency thereof.

(Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.)

§910a. Authorization of loans, conveyances, etc., by government and municipalities

The government of Puerto Rico may assist slum clearance and urban redevelopment projects and urban renewal projects through cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may authorize municipalities or other political subdivisions to make cash donations, loans, conveyances of real and personal property to public corporate authorities and to take other action, including but not limited to the making available or the furnishing of facilities and services, in aid of slum clearance and urban redevelopment projects and urban renewal projects.

(Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.)

§910b. Ratification of prior acts

All legislation heretofore enacted by the Legislature of the Territory of Puerto Rico dealing...
with the subject matter of this Act and not inconsistent herewith is ratified and confirmed.

(July 18, 1950, ch. 466, title I, §103, 64 Stat. 345.)

REFERENCES IN TEXT

This Act, referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, as amended, known as the Territorial Enabling Act of 1950, which enacted sections 480 to 480b, 483a, 483b, 721 to 721b, 910 to 910b, 1408 to 1408e of this title, amended sections 481 to 483 and 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

Section 103 of act July 18, 1950, cited as a credit to this section, as applicable to Alaska and Hawaii, was classified to sections 480b and 721b of this title.

SUBCHAPTER VII—LOW RENT HOUSING PROJECTS AND ELIMINATION OF SUB-STANDARD HOUSING

§ 911. Legislative authorization to create authorities

The Legislature of Puerto Rico may create public corporate authorities to undertake slum clearance and projects to provide dwelling accommodations for families of low income.

(June 25, 1938, ch. 703, §1, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 912. Authority to appoint commissioners; powers of authorities

The Legislature of Puerto Rico may provide for the appointment and terms of the commissioners of such authorities, and for the powers of such authorities, except that such authorities shall be given no power of taxation, and may authorize the commissioners of such authorities to fix the salaries of employees.

(June 25, 1938, ch. 703, §2, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 913. Authorization of loans, conveyances, etc., by municipalities

The legislature may appropriate funds for and may make and authorize any municipality of Puerto Rico to make loans, donations, and conveyances of money or property to such authorities; may make and authorize any municipality of Puerto Rico to make available its facilities and services to such authorities and take other action in aid of slum clearance or low-rent housing; and may, without regard to any Federal Acts restricting the disposition of public property or lands in Puerto Rico, provide for the use by or disposal to such authorities of any public lands or other property held or controlled by the people of Puerto Rico, its municipalities, or other subdivisions.

(June 25, 1938, ch. 703, §3, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 914. Issuance of bonds and obligations

The legislature may authorize such authorities to issue bonds or other obligations with such security as the legislature may provide and may provide for the disposition of the proceeds of such bonds and all receipts and revenues of such authorities.

(June 25, 1938, ch. 703, §4, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 915. Bonds as public debt

Such bonds shall not be a debt of Puerto Rico or any municipality, and shall not constitute a public indebtedness within the meaning of section 745 of this title.

(June 25, 1938, ch. 703, §5, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 916. Ratification of previous legislation

All legislation heretofore enacted by the Legislature of Puerto Rico dealing with the subject matter of sections 911 to 916 of this title and not inconsistent herewith is ratified and confirmed.

(June 25, 1938, ch. 703, §6, 52 Stat. 1203.)

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

CHAPTER 5—PHILIPPINE ISLANDS

PHILIPPINE INDEPENDENCE

Independence of Philippine Islands recognized and American sovereignty withdrawn by Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued pursuant to section 1394 of Title 22, Foreign Relations and Inter-course, and set out under that section.

§§ 1001 to 1008. Omitted

CODIFICATION

Sections 1001 to 1008 were omitted in view of recognition of Philippine independence.

Section 1001, act Aug. 29, 1916, §1, 39 Stat. 545, defined Philippine Islands.


§ 1009

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

to appropriations for financing program of economic
adjustment.
Section 1008, act Aug. 29, 1916, ch. 416, § 3, 39 Stat. 546,
related to a bill of rights and restrictions for Philippine
Islands.

§ 1009. Repealed. Oct. 31, 1951, ch. 655, § 56(d), 65
Stat. 729
Section, act Mar. 8, 1902, ch. 140, § 9, 32 Stat. 55, related to requirements as to evidence in treason cases in
Philippines.
SAVINGS PROVISION
Section 56(l) of act Oct. 31, 1951, provided that the repeal of this section should not affect any rights or liabilities existing hereunder on the effective date of
that repeal (Oct. 31, 1951).

§§ 1010 to 1019. Omitted
CODIFICATION
Sections 1010 to 1019 were omitted in view of recognition of Philippine independence.
548; July 21, 1921, ch. 51, 42 Stat. 145; May 31, 1922, ch.
203, 42 Stat. 599, related to prohibition against export
duties and imposition of taxes and assessments.
Section 1011, acts July 1, 1902, ch. 1369, § 84, 32 Stat.
711; July 1, 1944, ch. 373, title VII, § 711, 58 Stat. 714; Aug.
13, 1946, ch. 958, § 5, 60 Stat. 1049, related to shipping,
customs, duties, seamen, and health laws.
Section 1011a, act July 3, 1930, ch. 831, 46 Stat. 851, related to imports consigned to departments and bureaus
of United States Government.
Section 1012, act Feb. 6, 1905, ch. 453, § 5, 33 Stat. 692,
related to admission free of duty of railroad material.
Section 1013, act Feb. 6, 1905, ch. 453, § 6, 33 Stat. 692,
related to administration of immigration laws.
Section 1014, act Apr. 29, 1908, ch. 152, § 5, 35 Stat. 70,
related to administration of navigation laws.
Section 1015, act Apr. 29, 1908, ch. 152, § 1, 35 Stat. 70,
related to temporary regulation of transportation of
merchandise and passengers.
Section 1016, acts Apr. 29, 1908, ch. 152, § 4, 35 Stat. 70;
Section 1017, act Apr. 29, 1908, ch. 152, § 3, 35 Stat. 70,
related to inapplicability to certain foreign vessels of
restrictions on transportation of merchandise and passengers.
Section 1018, act July 1, 1902, ch. 1369, § 11, 32 Stat. 695,
related to improvement of harbors and navigable waters.
Section 1019, acts Mar. 22, 1902, ch. 273, 32 Stat. 88;

§§ 1041 to 1055. Omitted
CODIFICATION
Sections 1041 to 1055 were omitted in view of recognition of Philippine independence.
Section 1041, act Aug. 29, 1916, ch. 416, § 8, 39 Stat. 547,
related to grant of legislative power to Philippine Legislature.
548, related to Legislature’s authority over trade relations, tariff acts, and immigration.
548, related to composition of Legislature.
549, related to qualifications and election of senators.
Section 1045, act Aug. 29, 1916, ch. 416, 14, 39 Stat. 549,
related to qualifications and election of representatives.
549, related to senatorial and representative districts.
549, related to qualifications of voters.

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550, related to terms of office of senators and representatives.
550, related to legislative sessions.
550, related to compensation and privileges of members.
550, related to ineligibility of senators and representatives to hold certain offices.
551, related to enactment of laws and approval by President of the United States.
551, related to failure to make appropriations.
551; May 29, 1928, ch. 901, § 1, 45 Stat. 996; Feb. 28, 1929,
ch. 364, §§ 1, 2, 45 Stat. 1348, related to reporting of laws
to Congress.
Section 1055, acts June 2, 1924, ch. 234, § 261, 43 Stat.
294; Feb. 26, 1926, ch. 27, §§ 261, 1200, 44 Stat. 52, 125, related to income tax laws.

§§ 1071 to 1078. Omitted
CODIFICATION
Sections 1071 to 1078 were omitted in view of recognition of Philippine independence.
Section 1071, acts July 1, 1902, ch. 1369, § 9, 32 Stat. 695;
555, related to admiralty jurisdiction.
555, related to appointment of chief justice and associate justices of supreme court.
555, related to appointment of judges of courts of first
instance.
556; May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997, related to
salaries of judges.
Section 1075a, act May 29, 1928, ch. 904, §§ 1, 2, 45 Stat.
997, related to salaries of judges.
Section 1076, act Apr. 9, 1910, No. 19, 36 Stat. 877, related to special terms of supreme court.
Section 1077, act Feb. 6, 1905, ch. 453, § 7, 33 Stat. 692,
related to temporary judges of supreme court, prior to
555, related to jurisdiction of municipal courts.

§§ 1091 to 1094. Omitted
CODIFICATION
Sections 1091 to 1094 were omitted in view of recognition of Philippine independence.
552; June 5, 1934, ch. 390, § 4, 48 Stat. 879, related to appointment and qualifications of Resident Commissioners.
Section 1092, acts July 1, 1902, ch. 1369, § 8, 32 Stat. 694;
Section 1093, acts May 22, 1908, ch. 186, § 1, 35 Stat. 188;
May 17, 1932, ch. 190, 47 Stat. 158, related to salary of
Resident Commissioners.
552, related to allowance for stationery and clerk hire.

§§ 1111 to 1125. Omitted
CODIFICATION
Sections 1111 to 1125 were omitted in view of recognition of Philippine independence.
552, related to appointment, powers, and duties of Governor General.
553, related to designation of acting Governor General.




Section 1120, acts Aug. 29, 1916, ch. 416, §21, 39 Stat. 553, related to appointment and duties of Vice Governor and Secretary of War.

Section 1121, act Aug. 29, 1916, ch. 416, §21, 39 Stat. 553, related to reports by auditors to Governor General and Secretary of War.


§§ 1141 to 1156. Omitted

CODIFICATION

Sections 1141 to 1156 were omitted in view of recognition of Philippine independence.

Section 1141, act July 1, 1902, ch. 1369, §76, 32 Stat. 710, related to establishment of a mint at Manila.

Section 1142, act Mar. 2, 1903, ch. 980, §1, 32 Stat. 952, related to establishment of gold peso as unit of value.


Section 1145, act Mar. 2, 1903, ch. 980, §5, 32 Stat. 953, related to limitations on subsidiary coins as legal tender.

Section 1146, act July 1, 1902, ch. 1369, §79, 32 Stat. 710, related to coinage of minor coins.


Section 1148, acts July 1, 1902, ch. 1369, §81, 32 Stat. 713; Mar. 2, 1903, ch. 980, §10, 32 Stat. 954, related to place of coinage.


Section 1150, acts July 1, 1902, ch. 1369, §80, 32 Stat. 710; Mar. 2, 1903, ch. 980, §9, 32 Stat. 954, related to purchase of metal.


Section 1152, act June 23, 1906, ch. 3521, §1, 34 Stat. 453, related to change in weight and fineness of silver coins.


Section 1154, act Mar. 2, 1903, ch. 980, §12, 32 Stat. 954, related to drawings, designs, and plates.

Section 1155, act Mar. 2, 1903, ch. 980, §7, 32 Stat. 954, related to previously used silver coins as legal tender.

§§ 1231 to 1234. Omitted

CODIFICATION

Sections 1231 to 1234 were omitted in view of recognition of Philippine independence.

Section 1231, act Jan. 17, 1933, ch. 11, §1, 47 Stat. 761; Mar. 24, 1934, ch. 84, §1, 48 Stat. 456, related to a convention to frame a constitution for Philippines. Section 1 of act Jan. 17, 1933, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 648.


Section 1233, acts Jan. 17, 1933, ch. 11, §3, 47 Stat. 763; Mar. 24, 1934, ch. 84, §3, 48 Stat. 458, related to submission of proposed constitution to President of United States.

Section 1234, acts Jan. 17, 1933, ch. 11, §§4, 47 Stat. 763; Mar. 24, 1934, ch. 84, §4, 48 Stat. 458, related to submission of constitution to Filipino people.

§§ 1235 to 1236. Transferred

CODIFICATION

Section 1235, act Mar. 24, 1934, ch. 84, §5, 48 Stat. 459, related to transfer of property and rights to Philippine Commonwealth, and was transferred to section 1391 of Title 22, Foreign Relations and Intercourse.

Section 1235a, act June 29, 1941, ch. 322, §2, 58 Stat. 626, related to acquisition of military and naval bases by United States, and has been transferred to section 1392 of Title 22.


§ 1236a. Omitted

CODIFICATION

Section, act June 14, 1935, ch. 240, §§1–5, 49 Stat. 340, which fixed the quantity of Manila and other fibre products, produced in the Philippine Islands, to be admitted into the United States duty free, by its own terms originally expired three years from May 1, 1935. By Proc. No. 2272, eff. Jan. 26, 1938, 3 F.R. 222, 52 Stat. 1534, the effective period was extended for an additional three years from and including May 1, 1938.

§§ 1236b to 1237c. Omitted

CODIFICATION

Sections 1236b to 1237c were omitted in view of recognition of Philippine independence.

Section 1236b, act Dec. 22, 1941, ch. 617, §1, 55 Stat. 352, related to export tax rate and temporary suspension.

Section 1236c, act Dec. 22, 1941, ch. 617, §2, 55 Stat. 852, related to reduction of export quotas and temporary suspension.


Section 1237b, act June 5, 1936, ch. 519, 49 Stat. 1478, related to appointment powers, and duties of the acting High Commissioner, and was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 649.

Section 1237c, act Aug. 11, 1937, ch. 581, §§1–3, 50 Stat. 621, related to authorization to Chief Clerk and Assistant Chief Clerk of High Commissioner to administer oaths.


CODIFICATION

Sections 1238 and 1239 were omitted in view of recognition of Philippine independence.

Section 1238a, act Aug. 7, 1939, ch. 502, §8, 53 Stat. 1234, related to assignment of Foreign Service Officers to Philippines.

Section 1239, acts Jan. 17, 1933, ch. 11, §9, 47 Stat. 768; Mar. 24, 1934, ch. 84, §9, 48 Stat. 463, related to obligations of United States as to Philippine bonds and exemption of bonds from taxation.

§ 1240. Transferred

CODIFICATION

Section, acts Mar. 24, 1934, ch. 84, §10, 48 Stat. 463; Aug. 7, 1939, ch. 502, §3, 53 Stat. 1230, related to recognition of Philippine independence, withdrawal of American sovereignty, and property for diplomatic purposes, and was transferred to section 1394 of Title 22, Foreign Relations and Intercourse.

§§ 1241 to 1243. Omitted

CODIFICATION

Sections 1241 to 1243 were omitted in view of recognition of Philippine independence.


Section 1242, acts Jan. 17, 1933, ch. 11, §12, 47 Stat. 769; Mar. 24, 1934, ch. 84, §12, 48 Stat. 463, related to notification to foreign governments of Philippine Independence.


CODIFICATION

Sections 1244, acts Jan. 17, 1933, ch. 11, §14, 47 Stat. 769; Mar. 24, 1934, ch. 84, §14, 48 Stat. 464, related to immigration after independence. See section 1151 et seq. of Title 8, Aliens and Nationality.

§ 1245. Omitted

CODIFICATION

Section, acts Jan. 17, 1933, ch. 11, §15, 47 Stat. 769; Mar. 24, 1934, ch. 84, §15, 48 Stat. 464, related to statutes continued in force, and was omitted in view of recognition of Philippine independence.
§ 1246. Transferred

Codification

Section, act Mar. 24, 1934, ch. 84, § 18, 49 Stat. 639, was a saving clause, and has been transferred to a Separability note set out under section 1391 of Title 22, Foreign Relations and Intercourse.

§ 1247. Omitted

Codification

Section, acts Jan. 17, 1933, ch. 11, § 17, 47 Stat. 770; Mar. 24, 1934, ch. 84, § 17, 48 Stat. 465, related to effective date, and was omitted in view of recognition of Philippine independence.

§ 1247a. Transferred

Codification

Section, act Mar. 24, 1934, ch. 84, § 18, as added Aug. 7, 1939, ch. 502, § 5, 53 Stat. 1261, related to definitions, and has been transferred to section 1395 of Title 22, Foreign Relations and Intercourse.

§§ 1248, 1249. Omitted

Codification

Sections 1248 and 1249 were omitted in view of recognition of Philippine independence.


§§ 1251 to 1257. Transferred

Codification

Sections 1251 to 1257 of this title were transferred to section 1251 et seq. of Title 22, Foreign Relations and Intercourse, and were subsequently omitted from the Code.

§§ 1258 to 1260. Omitted

Codification

Sections 1258 to 1260 of this title were transferred to section 1258 et seq. of Title 22, Foreign Relations and Intercourse, and were subsequently omitted from the Code.

§ 1261. Transferred

Codification

Section, act Apr. 30, 1946, ch. 244, title II, § 201, 60 Stat. 143, related to free entry of Philippine articles, and was transferred to section 1251 of Title 22.

Section 1261a, act Apr. 30, 1946, ch. 244, title II, § 202, 60 Stat. 143, related to ordinary customs duties on Philippine articles, and was transferred to section 1252 of Title 22.

Section 1261b, act Apr. 30, 1946, ch. 244, title II, § 203, 60 Stat. 144, related to customs duties other than ordinary, and was transferred to section 1253 of Title 22.

Section 1261c, act Apr. 30, 1946, ch. 244, title II, § 204, 60 Stat. 144, related to equality in special import duties, and was transferred to section 1254 of Title 22.

Section 1261d, act Apr. 30, 1946, ch. 244, title II, § 205, 60 Stat. 144, related to equality in duties on products of Philippines, and was transferred to section 1255 of Title 22.

Section 1262, act Apr. 30, 1946, ch. 244, title II, § 211, 60 Stat. 144, related to absolute quota on sugars, and was transferred to section 1261 of Title 22.

Section 1262a, act Apr. 30, 1946, ch. 244, title II, § 212, 60 Stat. 145, related to absolute quota on cordage, and was transferred to section 1262 of Title 22.

Section 1262b, act Apr. 30, 1946, ch. 244, title II, § 213, 60 Stat. 145, related to absolute quota on rice, and was transferred to section 1263 of Title 22.

Section 1262c, act Apr. 30, 1946, ch. 244, title II, § 214, 60 Stat. 146, related to absolute and duty free quotas on certain articles, and was transferred to section 1264 of Title 22.

Section 1262d, act Apr. 30, 1946, ch. 244, title II, § 215, 60 Stat. 147, related to laws putting into effect allocations of quotas, and was transferred to section 1265 of Title 22.

Section 1263, act Apr. 30, 1946, ch. 244, title II, § 216, 60 Stat. 147, related to equality in internal taxes, and was transferred to section 1271 of Title 22.

Section 1263a, act Apr. 30, 1946, ch. 244, title II, § 221, 60 Stat. 148, related to exemption from tax of manila fiber, and was transferred to section 1272 of Title 22.

Section 1263b, act Apr. 30, 1946, ch. 244, title II, § 223, 60 Stat. 148, related to prohibition of export taxes, and was transferred to section 1273 of Title 22.

Section 1263c, act Apr. 30, 1946, ch. 244, title II, § 224, 60 Stat. 148, related to exemption from taxes of articles of official use, and was transferred to section 1274 of Title 22.

Section 1264, act Apr. 30, 1946, ch. 244, title II, § 231, 60 Stat. 148, related to certain Philippine citizens granted non-quota status, and was transferred to section 1261 of Title 22.

§§ 1266 to 1270b. Transferred

Codification

Sections 1266 to 1270 of this title were transferred to section 1291 et seq. of Title 22, Foreign Relations and Intercourse, and were subsequently omitted from the Code.
§§ 1272 to 1272g

**TITLE 48—TERRITORIES AND INSULAR POSSESSIONS**

Section 1268a, act Apr. 30, 1946, ch. 244, title III, § 322, 60 Stat. 150, related to prohibition of export taxes, and was transferred to section 1312 of Title 22.

Section 1268b, act Apr. 30, 1946, ch. 244, title III, § 323, 60 Stat. 150, related to exemption from taxes of articles for official use, and was transferred to section 1313 of Title 22.

Section 1269, act Apr. 30, 1946, ch. 244, title III, § 331, 60 Stat. 151, related to certain United States citizens given non-quota status, and was transferred to section 1321 of Title 22.

Section 1269a, act Apr. 30, 1946, ch. 244, title III, § 332, 60 Stat. 151, related to immigration of United States citizens into the Philippines, and was transferred to section 1322 of Title 22.

Section 1270, act Apr. 30, 1946, ch. 244, title III, § 341, 60 Stat. 151, related to rights of U.S. citizens and businesses in natural resources, and was transferred to section 1331 of Title 22.

Section 1270a, act Apr. 30, 1946, ch. 244, title III, § 342, 60 Stat. 151, related to currency stabilization, and was transferred to section 1332 of Title 22.

Section 1270b, act Apr. 30, 1946, ch. 244, title III, § 343, 60 Stat. 151, related to allocation of quotas, and was transferred to section 1334 of Title 22.

**§§ 1272 to 1272g. Transferred**

**Codification**

Sections 1272 to 1272g of this title were transferred to section 1341 et seq. of Title 22, Foreign Relations and Intercourse, and were subsequently omitted from the Code.

Section 1272, act Apr. 30, 1946, ch. 244, title IV, § 401, 60 Stat. 151, related to authorization of an executive agreement between the Philippines and the United States, and was transferred to section 1341 of Title 22.

Section 1272a, act Apr. 30, 1946, ch. 244, title IV, § 402, 60 Stat. 152, related to obligations of the Philippines, and was transferred to section 1342 of Title 22.

Section 1272b, act Apr. 30, 1946, ch. 244, title IV, § 403, 60 Stat. 153, related to obligations of the United States, and was transferred to section 1343 of Title 22.

Section 1272c, act Apr. 30, 1946, ch. 244, title IV, § 404, 60 Stat. 153, related to termination of agreement, and was transferred to section 1344 of Title 22.

Section 1272d, act Apr. 30, 1946, ch. 244, title IV, § 405, 60 Stat. 154, related to effect of termination of agreement, and was transferred to section 1345 of Title 22.

Section 1272e, act Apr. 30, 1946, ch. 244, title IV, § 406, 60 Stat. 154, related to interpretation of agreement, and was transferred to section 1346 of Title 22.

Section 1272f, act Apr. 30, 1946, ch. 244, title IV, § 407, 60 Stat. 154, related to termination of authority to make agreement, and was transferred to section 1347 of Title 22.

Section 1272g, act Apr. 30, 1946, ch. 244, title IV, § 408, 60 Stat. 154, related to effective date of agreement, and was transferred to section 1348 of Title 22.

**§§ 1274 to 1274i. Transferred**

**Codification**

Sections 1274 to 1274i of this title were transferred to section 1351 et seq. of Title 22, Foreign Relations and Intercourse, and were subsequently omitted from the Code.

Section 1274, act Apr. 30, 1946, ch. 244, title V, § 501, 60 Stat. 155, related to suspension and termination of agreement in case of discrimination, and was transferred to section 1351 of Title 22.

Section 1274a, act Apr. 30, 1946, ch. 244, title V, § 502, 60 Stat. 155, related to suspension of title I of act Apr. 30, 1946, and was transferred to section 1352 of Title 22.

Section 1274b, act Apr. 30, 1946, ch. 244, title V, § 503, 60 Stat. 156, related to customs duties on importations from Philippines, and was transferred to section 1353 of Title 22.

Section 1274c, act Apr. 30, 1946, ch. 244, title V, § 504, 60 Stat. 156, related to quotas on Philippine articles, and was transferred to section 1354 of Title 22.

Section 1274d, act Apr. 30, 1946, ch. 244, title V, § 505(b), 60 Stat. 157, related to suspension of processing tax on coconut oil, and was transferred to section 1355 of Title 22.

Section 1274e, act Apr. 30, 1946, ch. 244, title V, § 506(a), 60 Stat. 157, related to termination of payments into Philippine treasury, and was transferred to section 1356 of Title 22.

Section 1274f, act Apr. 30, 1946, ch. 244, title V, § 508, 60 Stat. 158, related to trade agreements with the Philippines, and was transferred to section 1357 of Title 22.

Section 1274g, act Apr. 30, 1946, ch. 244, title V, § 509, 60 Stat. 158, related to administration of title I of act Apr. 30, 1946, and was transferred to section 1359 of Title 22.

Section 1274h, act Apr. 30, 1946, ch. 244, title I, § 2, 60 Stat. 141, related to definitions of terms used in act Apr. 30, 1946, and was transferred to section 1360 of Title 22.

**§§ 1276 to 1276e. Transferred**

**Codification**

Section 1276, act July 3, 1946, ch. 336, § 2, 60 Stat. 418, related to retention by United States of title to real and personal property, and was transferred to section 1381 of Title 22, Foreign Relations and Intercourse.

Section 1276a, acts July 3, 1946, ch. 336, § 3, 60 Stat. 418; Dec. 21, 1960, ch. 114, 74 Stat. 1116, related to administration of trading with the enemy provisions in the Philippines, and was transferred to section 1382 of Title 22.

Section 1276b, act July 3, 1946, ch. 336, § 4, 60 Stat. 419, related to transfer of property by the President of the United States, and was transferred to section 1383 of Title 22.

Section 1276c, act July 3, 1946, ch. 336, § 5, 60 Stat. 419, related to transfer of shares of corporations owning agricultural lands, and was transferred to section 1384 of Title 22.

Section 1276d, act July 3, 1946, ch. 336, § 6, 60 Stat. 419, related to ownership of naval reservations, diplomatic property etc., and was transferred to section 1385 of Title 22.

Section 1276e, act July 3, 1946, ch. 336, § 7, 60 Stat. 420, related to defining terms for purposes of act July 3, 1946, and was transferred to section 1386 of Title 22.

**CHAPTER 6—CANAL ZONE**

**Canal Zone Code**


Pub. L. 96-70, title III, § 3303(b), Sept. 27, 1979, 93 Stat. 499, redesignated the Canal Zone Code as the Panama Canal Code. See References to Panama Canal Code.


Section, act July 9, 1937, ch. 470, § 1, 50 Stat. 486, related to air regulations.

§ 1314b to 1314e. Repealed. Aug. 10, 1949, ch. 415, § 9(d), 63 Stat. 597

Sections 1314b to 1315a were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§§ 1305 to 1314. Omitted

CODIFICATION

Sections 1305 to 1314a were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§ 1305 to 1314. Omitted

CODIFICATION

Sections 1305 to 1314a were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§ 1305 to 1314. Omitted

CODIFICATION

Sections 1305 to 1314a were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§ 1305 to 1314. Omitted

CODIFICATION

Sections 1305 to 1314a were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

Section, act Aug. 24, 1912, ch. 390, § 5, 37 Stat. 562, related to injuries to employees.

§§ 1321, 1322. Omitted

CODIFICATION

Sections 1321 and 1322 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.


§ 1323a. Omitted

CODIFICATION

Section, acts Feb. 16, 1933, ch. 89, § 1, 47 Stat. 812; June 13, 1940, ch. 358, § 2, 58 Stat. 389; Sept. 26, 1950, ch. 1049, § 2(b), 64 Stat. 1038, related to postal service generally and was omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.


§ 1323c. Omitted

CODIFICATION

Sections 1323 and 1327 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.


Section 1323d, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to fees of customs officers.

Section 1323e, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to control of money-order and postal-savings funds.

Section 1323f, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to deposit of money-order and postal-savings funds in United States treasury.

Section 1323g, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to deposit of money-order and postal-savings funds in banks.

Section 1323h, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to investment of money-order and postal-savings funds in securities of the United States.

§ 1323i. Omitted

CODIFICATION

Section, acts Aug. 21, 1916, ch. 371, § 7, 39 Stat. 528; Feb. 16, 1933, ch. 89, § 13, 47 Stat. 812; June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to use of interest and profits on money-order and postal-savings funds and was omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.


Section, act June 13, 1940, ch. 358, § 2, 54 Stat. 389, related to deposit money orders.

§ 1323k. Omitted

CODIFICATION

Section, act Feb. 16, 1933, ch. 89, § 4, 47 Stat. 813, related to repeal of prior postal laws and was omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§§ 1323l to 1323t. Omitted

CODIFICATION

Sections 1323l to 1327 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§§ 1323u to 1323v. Omitted

CODIFICATION

Sections 1323u to 1327 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§§ 1323w to 1323x. Omitted

CODIFICATION

Sections 1323w to 1327 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§§ 1323y to 1323z. Omitted

CODIFICATION

Sections 1323y to 1327 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§§ 1323aa to 1323cc. Omitted

CODIFICATION

Sections 1323aa to 1327 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.

§§ 1323dd to 1323ee. Omitted

CODIFICATION

Sections 1323dd to 1327 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.
The Canal Zone Code was subsequently redesignated for general application, and as covered by the Canal Zone Code.


Section 1330a, act July 5, 1932, ch. 419, §1, 47 Stat. 574, related to extradition to Republic of Panama.

Section 1330b, acts July 5, 1932, ch. 419, §§2, 47 Stat. 574; Sept. 26, 1950, ch. 1049, §8, 64 Stat. 1038, related to extradition to the Republic of Panama where fugitive a citizen of United States.

Section 1330c, act July 5, 1932, ch. 419, §3, 47 Stat. 574, related to fugitives accused of crime in the Canal Zone.

Section 1330d, act July 5, 1932, ch. 419, §4, 47 Stat. 574, related to prosecution for offense other than one extradited for.

Section 1330e, acts Aug. 1, 1914, ch. 223, §§5, 38 Stat. 679; June 10, 1921, ch. 18, §§301, 304, 42 Stat. 23, 24, related to examination of accounts.

Section 1330f, acts Aug. 1, 1914, ch. 223, §§5, 38 Stat. 679; June 10, 1921, ch. 18, §§301, 304, 42 Stat. 23, 24, related to examination of accounts.

Sections 1330 to 1336h were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, §3303(b), and renumbered by Pub. L. 104–201, §3549.

Sections 1331 to 1336 were redesignated the Panama Canal Code by Pub. L. 96–70, §3303(b), and repealed by Pub. L. 104–201, §3549.

Sections 1336j and 1336k were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, §3303(b), and renumbered by Pub. L. 104–201, §3549.


Sections 1337a to 1337c were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, §3303(b), and renumbered by Pub. L. 104–201, §3549.

Sections 1337a, act June 19, 1934, ch. 667, §17, as added Aug. 12, 1949, ch. 422, §1, 63 Stat. 600, and amended Sept. 26, 1950, ch. 1049, §2(b), 64 Stat. 1038, related to claims for losses of or damage to property.

Sections 1337b, act June 19, 1934, ch. 667, §18, as added Aug. 12, 1949, ch. 422, §1, 63 Stat. 600, and amended Sept. 26, 1950, ch. 1049, §2(b), 64 Stat. 1038, related to disaster relief.

Sections 1341 to 1344 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, §3303(b), and renumbered by Pub. L. 104–201, §3549.


§§ 1344a to 1355. Omitted

Codification

Sections 1344a to 1355 were omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 3549.


Effective Date of Repeal

Repeal effective Sept. 1, 1948, see section 38 of act June 23, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§§ 1357, 1358. Omitted

Codification


Section 1358, act June 28, 1906, ch. 3865, 34 Stat. 552, related to acknowledgment of deeds and was omitted as not of general application, and as covered by the Canal Zone Code. The Canal Zone Code was subsequently redesignated the Panama Canal Code by Pub. L. 96–70, § 3303(b), and repealed by Pub. L. 104–201, § 5419.


Section, act June 29, 1948, ch. 706, § 1, 62 Stat. 1075, related to purpose of organization of Panama Railroad Company.


Section 1361a, acts June 29, 1948, ch. 706, § 2, 62 Stat. 1076; Sept. 26, 1950, ch. 1049, § 5, 64 Stat. 1041, related to the creation of the Panama Railroad Company.


Section 1361g, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to transfer of assets and liabilities of corporation.

Section 1361h, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to reimbursement of other agencies.

Section 1361i, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to transfer of canal to corporation.

Section 1361j, act June 29, 1948, ch. 706, § 2, 62 Stat. 1076, related to transfer of canal to corporation.


Section 1371, act Mar. 2, 1931, ch. 375, § 1, 46 Stat. 1471, related to employees entitled to retirement privileges.


Effective Date of Repeal

Repeal effective Apr. 1, 1948, see section 7(a) of act July 21, 1949.
ADDITIONAL REPEAL

Sections were also repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 648.


Section, act June 16, 1933, ch. 101, §8(b), 48 Stat. 306, related to involuntary separation retirement benefits.


Section 1371c, acts Mar. 2, 1931, ch. 375, §4, 46 Stat. 1477, related to annual estimates of annuity appropriations under sections 1373 to 1373g of this title.

Section 1371d, acts Mar. 2, 1931, ch. 375, §6, 46 Stat. 1477, related to investments and accounts.

Section 1371e, acts Mar. 2, 1931, ch. 375, §9, 46 Stat. 1477, related to investments and accounts.

Section 1371f, acts Mar. 2, 1931, ch. 375, §12, 46 Stat. 1478, related to payment of annuities.


§§ 1381, 1382. Transferred

CODIFICATION

Section 1381, act July 2, 1940, ch. 516, §1, 54 Stat. 724, related to setting aside Barro Colorado Island in Gatun Lake for scientific observation, and was transferred to section 7877, 60 Stat. 1101, related to resident manager, and was transferred to section 79b of Title 20.


Section, act July 2, 1940, ch. 516, §3, 54 Stat. 724, provided for appointment and compensation of Board of Directors of Canal Zone Biological Area.

§§ 1384 to 1387. Transferred

CODIFICATION


To recognition of personnel engaged in construction of the canal.


Section 1373b, act May 29, 1944, ch. 214, §3, 58 Stat. 258, related to payment to annuitants of personnel described in section 1373 of this title.

Section 1373c, act May 29, 1944, ch. 214, §4, 58 Stat. 258, related to duration of annuities of personnel described in section 1373 of this title.

Section 1373d, acts May 29, 1944, ch. 214, §§5, 58 Stat. 259, related to administrative provisions for carrying out sections 1373 to 1373g of this title.

Section 1373f, act May 29, 1944, ch. 214, §7, 58 Stat. 259, related to exemption from execution, lien, or other legal process of moneys or annuities under sections 1373 to 1373g of this title.

Section 1373g, act May 29, 1944, ch. 214, §8, 58 Stat. 259, related to annual estimates of annuity appropriations under sections 1373 to 1373g of this title.


Section 1386, act July 2, 1940, ch. 516, § 6, 54 Stat. 725; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101, related to deposit of receipts into treasury, and was transferred to section 79e of Title 20. Section 1387, act July 2, 1940, ch. 516, § 7, 54 Stat. 725, related to authorization of appropriations, and was transferred to section 79e of Title 20.

CHAPTER 7—VIRGIN ISLANDS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
1391. Repealed.
1392. Local laws continued; courts.
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1394. Customs duties and internal-revenue taxes.
1395. Tax laws continued; tax on sugar.
1396. Duties and taxes covered into Virgin Islands treasury.
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1398 to 1401f. Omitted or Repealed.
1402. Extension of industrial alcohol and internal revenue laws to Virgin Islands.
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1405r to 1406q. Repealed or Omitted.
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1406h. Taxes, duties and fees as funds for benefit of municipalities; appropriations.
1406i. Taxes and fees; power to assess and collect; ports of entry; export duties.
1406j, 1406k. Repealed.
1406l. Effective date.
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SUBCHAPTER III—VIRGIN ISLANDS CORPORATION

1407 to 1407l. Repealed.

SUBCHAPTER IV—PUBLIC HOUSING

1408. Legislative authority to create authorities; appointment of members; powers of authorities.
1408a. Issuance of notes, bonds, and obligations.
1408b. Authorization of loans, conveyances, etc., by government and municipalities.
1408d. Ratification of prior acts.
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SUBCHAPTER V—INTERNAL DEVELOPMENT

1409 to 1409j. Repealed.

SUBCHAPTER VI—AGRICULTURAL PROGRAM

1409m to 1409o. Repealed.

SUBCHAPTER I—GENERAL PROVISIONS

ADDITIONAL PROVISIONS

For additional provisions, constituting a revision of the Organic Act of the Virgin Islands of the United States, see section 1541 et seq. of this title.

CODIFICATION

A new organic act, or basic charter of civil government, for the people of the Virgin Islands of the United States, was passed in 1954. Act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, is set out as section 1541 et seq. of this title. Section 8(c) of the Revised Organic Act, set out as section 1574(c) of this title, provides that laws of the United States, set out generally in this chapter, as well as local laws and ordinances, including provisions of the Organic Act of the Virgin Islands of the United States, act June 22, 1936, ch. 699, 49 Stat. 1807, section 1465 et seq. of this title, in force on July 22, 1954, and not inconsistent with act July 22, 1954, are to remain in force and effect until otherwise changed.

CONSTITUTIONS FOR VIRGIN ISLANDS AND GUAM: ESTABLISHMENT; CONGRESSIONAL AUTHORIZATION


"(Section 1. Authorization to organize governments) That Congress, recognizing the basic democratic principle of government by the consent of the governed, authorizes the peoples of the Virgin Islands and of Guam, respectively, to organize governments pursuant to constitutions of their own adoption as provided in this Act.

"SEC. 2. [Constitutional conventions and draft provisions] (a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

"(b) Such constitutions shall—

"(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act [this chapter] and Revised Organic Act of the Virgin Islands [section 1541 et seq. of this title] and the Organic Act of Guam [section 1421 et seq. of this title] which do not relate to local self-government.

"(2) provide for a republican form of government, consisting of three branches: executive, legislative, and judicial;

"(3) contain a bill of rights;

"(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, and the Organic Act of Guam, as amended, respectively, which relate to local self-government;

"(5) with reference to Guam, provide that the voting franchise may be vested only in residents of Guam who are citizens of the United States;

"(6) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended; and

"(7) provide for the establishment of a system of local courts the provisions of which shall become effective no sooner than upon the enactment of legislation regulating the relationship between the local courts of Guam with the Federal judicial system.

"SEC. 3. [Selection and qualifications of members] The members of such constitutional conventions shall be chosen as provided by the laws of the Virgin Islands and Guam, respectively (enacted after the date of enactment of this Act [Oct. 21, 1976]): Provided, however, That no person shall be eligible to be a member of the constitutional conventions, unless he is a citizen of the United States and qualified to vote in the Virgin Islands and Guam, respectively.

"SEC. 4. [Submittal of proposed constitutions to governors and President] The conventions shall submit to
the Governor of the Virgin Islands a proposed constitution for the Virgin Islands and to the Governor of Guam a proposed constitution for Guam which shall conform with the requirements set forth in section 2(b) above. Such constitutions shall be submitted to the President of the United States by the Governors of the Virgin Islands and Guam.

Sec. 5. (Transmittal to Congress and submittal to voters) (a) Within sixty calendar days after the respective date on which he has received each constitution, the President shall transmit such constitution together with his comments to the Congress.

(b) The constitution, in each case, shall be deemed to have been approved by the Congress within 60 legislative days after its submission by the President, unless prior to that date the Congress has approved the constitution, or modified or amended it, in whole or in part, or has urged the constitutional convention to reconvene, by joint resolution.

(c) Revision of Proposed Constitution.—

(1) In General.—If a convention reconvenes and revises the proposed constitution, the constitution shall resubmit the revised proposed constitution simultaneously to the Governor of the Virgin Islands and the President.

(2) Comments of President.—Not later than 60 calendar days after the date of receipt of the revised proposed constitution, the President shall—

(A) notify the convention, the Governor, and Congress of the comments of the President on the revised proposed constitution; and

(B) publish the comments in the Federal Register.

(d) As so approved or modified under subsection (b) (or, if revised pursuant to subsection (c), on publication of the comments of the President in the Federal Register), the constitutions shall be submitted to the qualified voters of the Virgin Islands and Guam, respectively, for acceptance or rejection through islandwide referendums to be conducted as provided under the laws of the Virgin Islands and Guam, respectively, (enacted after the date of enactment of this Act) (Oct. 21, 1976).

(e) Upon approval by not less than a majority of the votes (counting only the affirmative or negative votes) participating in such referendums, the constitutions shall become effective in accordance with their terms."

(Pub. L. 94–984 is also set out as a note preceding section 1541 of this title.)

Delegations to Congress from Virgin Islands

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


Section, act Mar. 3, 1917, ch. 171, § 1, 39 Stat. 1132, provided for appointment and pay of Governor of Virgin Islands and other employees.

§ 1392. Local laws continued; courts

Until Congress shall otherwise provide, insofar as compatible with the changed sovereignty and not in conflict with the provisions of this section and sections 1391 and 1394 to 1396 of this title, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial councils having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party.


References in Text

Section 1391 of this title, referred to in text, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 643.

Amendments

1948—Act June 25, 1948, repealed last sentence relating to appeals. See section 1294 of Title 28, Judiciary and Judicial Procedure.

Effective Date of 1948 Amendment

Amendment by act June 25, 1948, effective Sept. 1, 1948, see section 38 of that act set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.


Section was formerly classified to section 5a of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, § 1, 62 Stat. 866.


Section, act July 1, 1932, ch. 370, § 2, 47 Stat. 565, vested in District Court of Virgin Islands jurisdiction of prosecutions for violations of section 1399 of this title, relating to obstruction of navigable waters.


Section, act July 12, 1921, ch. 44, § 1, 42 Stat. 123, declared as ineligible to hold office as a member of colonial councils of Virgin Islands or any other public office under Virgin Islands government, anyone owing allegiance to any country other than United States.

§ 1394. Customs duties and internal-revenue taxes

There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty.

1 See References in Text note below.
In determining whether such a Virgin Islands article contains foreign material to the value of more than 20 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.


AMENDMENTS
1950—Act Sept. 7, 1950, permitted free entry of articles into the United States from the Virgin Islands when such articles contain foreign materials which may be imported directly into the United States free of duty.

§ 1395. Tax laws continued; tax on sugar

Until Congress shall otherwise provide all laws now imposing taxes in the said West Indian islands, including the customs laws and regulations, shall, insofar as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted free of duty:

Provided, That the internal revenue taxes levied by the Colonial Council of Saint Croix, or by the Colonial Council of Saint Thomas and Saint John, in pursuance of the authority granted by this section and sections 1391, 1392, 1394, and 1396 of this title on articles, goods, wares, or merchandise may be levied and collected as the Colonial Council of Saint Croix, or as the Colonial Council of Saint Thomas and Saint John, may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: And provided further, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in the municipality of Saint Croix, or in the municipality of Saint Thomas and Saint John, respectively. The officers of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the municipality of Saint Croix, or of the municipality of Saint Thomas and Saint John, in the collection of these taxes.


REFERENCES IN TEXT
Section 1391 of this title, referred to in text, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643.

AMENDMENTS
1932—Act June 24, 1932, inserted proviso permitting local levy of internal revenue taxes, prohibiting discrimination against imports, and directing customs and postal services to assist in collecting taxes.

1See References in Text note below.

1927—Act Feb. 25, 1927, reduced export duty on sugar from $8 to $6 per ton.

§ 1396. Duties and taxes covered into Virgin Islands treasury

The duties and taxes collected in pursuance of sections 1394 and 1395 of this title shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of the Virgin Islands, under such rules and regulations as the President may prescribe.

(Mar. 3, 1917, ch. 171, § 5, 39 Stat. 1133.)

§ 1397. Income tax laws of United States in force; payment of proceeds; levy of surtax on all taxpayers

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands: Provided further, That, notwithstanding any other provision of law, the Legislature of the Virgin Islands is authorized to levy a surtax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the government of the Virgin Islands.

(July 12, 1921, ch. 44, § 1, 42 Stat. 123; Pub. L. 94-392, § 5, Aug. 19, 1976, 90 Stat. 1195.)

REFERENCES IN TEXT
The income-tax laws in force in the United States of America, referred to in text, are classified to Title 26, Internal Revenue Code.

Codification
Section is from Act July 12, 1921, popularly known as the Naval Service Appropriation Act, 1922.

AMENDMENTS
1976—Pub. L. 94-392 inserted proviso authorizing Legislature of Virgin Islands to levy a surtax, not to exceed 10 per centum, on annual income tax obligation of all taxpayers.

Application of Western Hemisphere Trade Corporation Provision Under the Virgin Islands Tax Laws

§ 1398. Omitted

Codification
Section, act July 1, 1922, ch. 259, 42 Stat. 788, which related to quarantine and passport fees, was from the Navy Department and Naval Service Appropriation Act, 1923, was not repeated in subsequent years. See section 1642 of this title.


Section, acts July 3, 1930, ch. 847, § 8, 46 Stat. 948; July 1, 1932, ch. 370, § 1, 47 Stat. 565, made applicable to the
Virgin Islands and the navigable waters thereof, certain provisions of Title 33, Navigation and Navigable Waters, relating to obstruction of navigable waters.


Section, act May 20, 1932, ch. 194, 47 Stat. 160, related to extension of admiralty laws of the United States to Virgin Islands.

Effective Date of Repeal

Repeal 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.


Section 1401, act May 26, 1936, ch. 450, § 1, 49 Stat. 1372, set out the policy of Congress to equalize taxes on real property in the Virgin Islands.

Section 1401a, act May 26, 1936, ch. 450, § 2, 49 Stat. 1372, related to valuation of real property for assessment and uniformity of rates.

Section 1401b, act May 26, 1936, ch. 450, § 3, 49 Stat. 1372, related to rate of tax in absence of local laws and regulations by President for assessment and collection pending adoption of local laws.

Section 1401c, act May 26, 1936, ch. 450, § 4, 49 Stat. 1372, provided that taxes were to be deposited in the municipal treasury of the municipality in which collected.

Section 1401d, acts May 26, 1936, ch. 450, §§ 5, 49 Stat. 1372; June 30, 1949, ch. 285, § 12, 63 Stat. 356, related to payments to be made by the Virgin Islands Corporation into municipal treasuries of the Virgin Islands in lieu of certain taxes, valuation of real property in the Virgin Islands owned by the Virgin Islands Corporation as a basis for determining the amount of taxation, and payment to be made for any property owned by the United States in the Virgin Islands used for ordinary business or commercial purposes.

Section 1401e, act May 26, 1936, ch. 450, § 6, 49 Stat. 1373, related to exemptions from taxation and authority of municipalities to alter, amend, or repeal existing laws.

Effective Date of Repeal

Pub. L. 110–40, § 1(b), June 29, 2007, 121 Stat. 232, provided that: “This section [repealing sections 1401 to 1401e of this title] shall be deemed to have taken effect on July 22, 1954.”

§ 1401f. Omitted

Codification


Effective Date of Repeal

Pub. L. 110–40, § 1(b), June 29, 2007, 121 Stat. 232, provided that: “This section [repealing sections 1401 to 1401e of this title] shall be deemed to have taken effect on July 22, 1954.”

§ 1402. Extension of industrial alcohol and internal revenue laws to Virgin Islands

Title III of the National Prohibition Act, as amended, and all provisions of the internal revenue laws relating to the enforcement thereof, are extended to and made applicable to the Virgin Islands, from and after August 27, 1935. The Insular Government shall have the power to devise and adopt laws and regulations in the Virgin Islands in connection with the enforcement of the Internal Revenue Code of 1939, and subsequently into the Internal Revenue Code of 1966.

References in Text

The National Prohibition Act, as amended, referred to in text, is act Oct. 28, 1919, ch. 179, 41 Stat. 673, amending Title III of such Act and classifying principally to chapter 3 (§ 71 et seq.) of Title 27, Intoxicating Liquors, and was omitted from the Code in view of the incorporation of such provisions in the Internal Revenue Code of 1939, and subsequently into the Internal Revenue Code of 1966.

Codification

Provisions similar to those comprising this section relating to Puerto Rico are classified to section 734a of this title.

§ 1403. Issuance of bonds or other obligations by government or municipalities; use of proceeds; limit on public indebtedness; terms, execution, interest rate, and sale price; taxes

To construct, improve, extend, better, repair, reconstruct, acquire, and operate any and all
§ 1403a. Expenditure of bond proceeds for public improvements

The proceeds of the bond issues or other obligations herein authorized shall be expended only for the public improvements set forth in section 1403 of this title, or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress.

(Oct. 27, 1949, ch. 769, §2, 63 Stat. 941.)

§ 1403b. Bond liability of United States

Bonds or other obligations issued pursuant to sections 1403 to 1403b of this title shall not be a debt of the United States, nor shall the United States be liable thereon.

(Oct. 27, 1949, ch. 769, §3, 63 Stat. 941.)

SUBCHAPTER II—CIVIL GOVERNMENT

§ 1405. Geographical application of subchapter; land and waters included in term “Virgin Islands”

The provisions of this subchapter, and the name “the Virgin Islands” as used in this subchapter, shall apply to and include the territorial domain, lands and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. L. 1706).

(June 22, 1936, ch. 699, §1, 49 Stat. 1807.)


Section 1405a, act June 22, 1936, ch. 699, §2, 49 Stat. 1807, related to division of Virgin Islands into municipality of Saint Croix and municipality of Saint Thomas and Saint John.

Section 1405b, act June 22, 1936, ch. 699, §3, 49 Stat. 1807, related to constituting into bodies politic and juridic of inhabitants of municipalities of Saint Croix and of Saint Thomas and Saint John.

§ 1405c. Transfer of property to government

(a) Property not reserved

All property which may have been acquired by the United States from Denmark in the Virgin Islands under the convention entered into August 4, 1916, not reserved by the United States for public purposes prior to June 22, 1937, is placed under the control of the Government of the Virgin Islands.

(b) Applicability of United States law

Except as otherwise expressly provided, all laws of the United States for the protection and improvement of the navigable waters of the United States shall apply to the Virgin Islands.

(c) Applicability of tonnage duties

No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands.

(d) Presidential determination of applicable laws

The legislature of the Virgin Islands shall have power to enact navigation, boat inspection,
and safety laws of local application; but the President shall have power to make applicable to the Virgin Islands such of the navigation, vessel inspection, and coastwise laws of the United States as he may find and declare to be necessary in the public interest, and, to the extent that the laws so made applicable conflict with any laws of local application enacted by the legislature, such laws enacted by the legislature shall have no force and effect.

(e) Existing powers of United States officers unaffected

Nothing in this subchapter shall be construed to affect or impair in any manner the terms and conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of the Virgin Islands by any authorized officer or agent of the United States.


AMENDMENTS


1951—Subsec. (f). Act Oct. 31, 1951, repealed subsec. (f) which authorized the Secretary of the Interior to lease or sell any property under his administrative supervision in the Virgin Islands not needed for public purposes.

1939—Act Aug. 7, 1939, designated existing provisions as subsecs. (a), (b), (e), and (f) and added subsecs. (c) and (d).

CONSTRUCTION OF VIRGIN ISLANDS PROJECTS BY SECRETARY OF THE ARMY

Pub. L. 101–640, title IV, §406, Nov. 28, 1990, 104 Stat. 4677, provided that:

“(a) GENERAL RULE.—Upon request of the Governor of the Virgin Islands with respect to a construction project in the Virgin Islands for which Federal financial assistance is available under any law of the United States, the Federal official administering such assistance may make such assistance available to the Secretary instead of the Virgin Islands. The Secretary shall use such assistance to carry out such project in accordance with the provisions of such law.

“(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as relieving the Virgin Islands from complying with any requirements for non-Federal cooperation with respect to a construction project carried out with Federal financial assistance provided to the Secretary pursuant to this section; except that the Secretary shall be responsible for complying with administrative and fiscal requirements associated with utilization of such assistance.

“(c) TERMINATION DATE.—Subsection (a) shall not be effective after the last day of the 3-year period beginning on the date of the enactment of this Act [Nov. 28, 1990]; except that the Secretary shall complete construction of any project commenced under subsection (a) before such day.”

EX. ORD. NO. 9170. CERTAIN NAVIGATION LAWS MADE APPLICABLE TO VIRGIN ISLANDS

Ex. Ord. No. 9170, eff. May 21, 1942, 7 F.R. 384, provided in part:

“it is ordered that all of the navigation and vessel inspection laws of the United States be, and they are hereby, made applicable to the Virgin Islands of the United States, with the following exceptions:

1. The coastwise laws of the United States.


3. So much of the vessel inspection laws of the United States as requires the inspection as a passenger vessel of any cargo vessel, foreign or domestic, when carrying more than twelve passengers or persons in addition to the crew.

4. Federal laws levying tonnage duties, light money, or entrance and clearance fees.


§1405q. Laws continued in force until modified; patent, trade mark, and copyright laws extended to Virgin Islands; jurisdiction of district court

The laws of the United States applicable to the Virgin Islands on June 22, 1936, and all local laws and ordinances in force on such date in the Virgin Islands, not inconsistent with this sub-
chapter, shall continue in force and effect: Provided, That the Municipal Council of Saint Croix and the Municipal Council of Saint Thomas and Saint John, and the legislative assembly, shall have power when not inconsistent with this subchapter and within their respective jurisdictions, to amend, alter, modify, or repeal any law of the United States of local application only, or any ordinance, public or private, civil or criminal, continued in force and effect by this subchapter, except as herein otherwise provided, and to enact new laws and ordinances not inconsistent with this subchapter and not inconsistent with the laws of the United States hereafter made applicable to the Virgin Islands or any part thereof, subject to the power of the Congress to annul the same. The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in cases arising under such laws as is exercised by United States district courts.

(June 22, 1936, ch. 699, §18, 49 Stat. 1811.)

REFERENCES IN TEXT

The laws of the United States relating to patents, trade marks, and copyrights, referred to in text, are classified generally to Title 35, Patents, chapter 22 (§1051 et seq.) of Title 15, Commerce and Trade, and Title 17, Copyrights.


Section, act June 22, 1936, ch. 699, §25, 49 Stat. 1813, related to vesting of judicial power in District Court of Virgin Islands, organization and conduct of a Superior Court, and appeals from Superior Court.


Section 1405z, act June 22, 1936, ch. 699, §27, 49 Stat. 1813, related to two divisions of District Court of Virgin Islands, terms of court, rules of practice, and process.

Section 1405e, act June 22, 1936, ch. 699, §26, 49 Stat. 1813, related to jurisdiction of district court generally.


Section 1405b, act June 22, 1936, ch. 699, §30, 49 Stat. 1814, related to appeals from District Court of Virgin Islands.

Section 1405c, act June 22, 1936, ch. 699, §31, 49 Stat. 1814, related to jury trials in criminal cases.


Section 1405e, act June 22, 1936, ch. 699, §33, 49 Stat. 1815, related to appeals from inferior courts to district court.

§ 1406f. Judicial process; title of criminal prosecutions

All judicial process shall run in the name of "United States of America, sicilicit, the President of the United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name of and by authority of "the People of the Virgin Islands of the United States." (June 22, 1936, ch. 699, §37, 49 Stat. 1817.)


§ 1406h. Taxes, duties and fees as funds for benefit of municipalities; appropriations

All taxes, duties, fees, and public revenues collected in the municipality of Saint Croix shall be covered into the treasury of the Virgin Islands and held in account for said municipality and all taxes, duties, fees, and public revenues collected in the municipality of Saint Thomas and Saint John shall be covered into said treasury of the Virgin Islands and held in account for said municipality: Provided, That the proceeds of customs duties, less the cost of collection, and the proceeds of the United States income tax, and the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands,
and all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands shall be covered into the treasury of the Virgin Islands and held in account for the respective municipalities, and shall be expended for the benefit and government of said municipalities in accordance with the annual municipal budgets. The Municipal Council of Saint Croix may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in the treasury of the Virgin Islands; and the Municipal Council of Saint Thomas and Saint John may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in said treasury.

(June 22, 1936, ch. 699, §35, 49 Stat. 1816.)

§ 1406i. Taxes and fees; power to assess and collect; ports of entry; export duties

Taxes and assessments on property and incomes, internal-revenue taxes, license fees, and service fees may be imposed and collected, and royalties for franchises, privileges, and concessions granted may be collected for the purposes of the Government of the Virgin Islands as may be provided and defined by the municipal councils herein established: Provided, That all money hereafter derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury of the Virgin Islands and paid out for such purpose only, except when otherwise authorized by the legislative authority having jurisdiction after the purpose for which such fund was created has been accomplished. Until Congress shall otherwise provide, all laws concerning import duties and customs duties in the municipality of Saint Thomas and Saint John now in effect shall be in force and effect in and for the Virgin Islands: Provided, That the Secretary of the Treasury shall designate the several ports and sub-ports of entry in the Virgin Islands of the United States and shall make such rules and regulations and appoint such officers and employees as he may deem necessary for the administration of the customs laws in the Virgin Islands of the United States; and he shall fix the compensation of all such officers and employees and provide for the payment of such compensations and other expenses of the collection of duties, fees, and taxes imposed under the customs laws from the receipts thereof. The export duties in effect on June 22, 1936 may be from time to time reduced, repealed, or restored by ordinance of the municipal council having jurisdiction: Provided further, That no new export duties shall be levied in the Virgin Islands except by the Congress.

(June 22, 1936, ch. 699, §36, 49 Stat. 1816.)


Section, act June 22, 1936, ch. 699, §38, 49 Stat. 1817, provided for citizenship of officials and for oath of office.


§ 1406l. Effective date

This subchapter shall take effect June 22, 1936, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the present incumbents of all offices under the Government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority.

(June 22, 1936, ch. 699, §40, 49 Stat. 1817.)

§ 1406m. Short title

This subchapter may be cited as the Organic Act of the Virgin Islands of the United States.

(June 22, 1936, ch. 699, §41, 49 Stat. 1817.)

SUBCHAPTER III—VIRGIN ISLANDS CORPORATION


Section 1407, act June 30, 1949, ch. 285, §1, 63 Stat. 350, related to creation of Virgin Islands Corporation under direction of the President of the United States or his representative for promotion of economic development of Virgin Islands.

Section 1407a, act June 30, 1949, ch. 285, §2, 63 Stat. 351, related to principal offices of Corporation for venue purposes and establishment of branch offices.


Effective Date


Short Title

Act June 30, 1949, ch. 285, §15, 63 Stat. 356, provided that act June 30, 1949, enacting sections 1407 to 1407i of
this title and amending section 1401d of this title and section 846 of former Title 31, Money and Finance, could be cited as the “Virgin Islands Corporation Act”, prior to repeal by Pub. L. 97–357, title III, § 308(e), Oct. 19, 1982, 96 Stat. 1710.

SAVINGS PROVISION

Section 308(e) of Pub. L. 97–357 provided in part: “That nothing in this subsection [repealing sections 1407 to 1407i of this title] shall affect the pension rights of former employees of the Virgin Islands Corporation.”

TRANSFER OF FACILITIES: INVESTMENT INCREASE

SUPPLY OF ELECTRIC POWER

Pub. L. 85–913, § 7, Sept. 2, 1958, 72 Stat. 1760, authorized the Secretary of the Navy to transfer and convey to the Virgin Islands Corporation, without reimbursement, the power-generating facilities located at the Marine Corps air facility and naval submarine base, Saint Thomas, Virgin Islands, together with all the land, buildings, structures, facilities, distribution lines, fuel tanks, and equipment appurtenant thereto and necessary for the operation thereof, with such transfer to be accomplished not later than June 30, 1969.

DISSOLUTION OF VIRGIN ISLANDS COMPANY

Act June 30, 1949, ch. 285, § 11, 63 Stat. 355, authorized the Secretary of the Interior, the Under Secretary of the Interior, and the Governor of the Virgin Islands, as the stockholders of the Virgin Islands Company, a corporation created by ordinance of the Colonial Council for Saint Thomas and Saint John, Virgin Islands of the United States, to take such steps as may be appropriate to dissolve the Virgin Islands Company, prior to repeal by Pub. L. 97–357, title III, § 308(e), Oct. 19, 1982, 96 Stat. 1710.

SUBCHAPTER IV—PUBLIC HOUSING

§ 1408. Legislative authority to create authorities; appointment of members; powers of authorities

The government of the Virgin Islands, through its legislative assembly, may grant to a public corporate authority existing or to be created through said assembly, exclusive authority to undertake slum clearance, urban redevelopment, urban renewal, and low-rent housing activities within the municipalities of the Virgin Islands. The legislative assembly may provide for the appointment and terms of office of the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available under the Housing Act of 1949 (Public Law 171, Eighty-First Congress), as amended [42 U.S.C. 1441 et seq.], or any other law, for projects contemplated by this Act, as amended, and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the people of the Virgin Islands for any loan whatever.

(July 18, 1950, ch. 466, title III, § 301, 64 Stat. 346; Aug. 11, 1955, ch. 783, title I, §107(5), (7), (9), 69 Stat. 638.)

REFERENCES IN TEXT

The Housing Act of 1949 (Public Law 171, Eighty-First Congress), as amended, referred to in text, is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (§1441 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

This Act, referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, as amended, known as the Territorial Enabling Act of 1950, which enacted this subchapter and sections 480 to 480b, 483a, 483b, 721 to 721b, and 919 to 919b of this title, amended sections 481 to 483 and 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1955—Act Aug. 11, 1955, included urban renewal projects, and inserted “as amended” after “Housing Act of 1949” and after “this Act”.

URBAN RENEWAL ACTIVITIES

Section 107(4) of act Aug. 11, 1955, amended the heading of title III of the Territorial Enabling Act of 1950, this subchapter, to insert the words “urban renewal” in order to make financial assistance available for urban renewal projects.

§ 1408a. Issuance of notes, bonds, and obligations

The legislative assembly may authorize such authority, any provision of the Virgin Islands Organic Act [30 U.S.C. 1405 et seq.] or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislative assembly may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of the Virgin Islands or of any municipality or subdivision thereof, other than such authority, nor constitute “bonds and other obligations” within the meaning of sections 1403 to 1403b of this title, or a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to the Virgin Islands or to any municipal corporation or other political subdivision or agency thereof.


REFERENCES IN TEXT

The Virgin Islands Organic Act, referred to in text, probably means the Organic Act of the Virgin Islands of the United States, act June 22, 1936, ch. 499, 49 Stat. 489, as amended, which is classified generally to subchapter H (§1405 et seq.) of this chapter. For complete classification of this Act to the Code, see section 1406m of this title and Tables.

§ 1408b. Authorization of loans, conveyances, etc., by government and municipalities

The government of the Virgin Islands, through its legislative assembly, may assist such authority with cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may authorize municipalities and other subdivisions to make cash donations, loans, conveyances of real and personal property to such authority, and to take other action, including but not limited to, the making available or the furnishing of facilities and services, in aid of slum clearance, urban redevelop-
ment, urban renewal, or low-rent housing projects.


AMENDMENTS


§ 1408c. Grants-in-aid by Federal Government

Notwithstanding the limitation contained in the last sentence of section 110(d) [42 U.S.C. 1460(d)] or in any other provision of title I [42 U.S.C. 1450 et seq.] of the Housing Act of 1949 (Public Law 181, Eighty-first Congress), as amended, the Secretary of Housing and Urban Development is authorized to allow and credit to such authority as may be created for the Virgin Islands under this Act, as amended, (1) such local grants-in-aid as are otherwise approvable pursuant to the first sentence of said section 110(d) with respect to any slum clearance and urban redevelopment or urban renewal project, or projects undertaken by such authority with Federal assistance made available under title I of the Housing Act of 1949, as amended, and (2) such grants-in-aid made or assistance given to the local community by any Federal department or agency pursuant to authority of law other than the Housing Act of 1949 [42 U.S.C. 1441 et seq.] which would, if made or given by a State or local community, be approvable pursuant to said first sentence of section 110(d) with respect to any such project or projects so undertaken.


REFERENCES IN TEXT

The Housing Act of 1949, referred to in text, is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A [§§ 1450 to 1459 seq.] of chapter 8A of Title 42, and was omitted from such title I after Jan. 1, 1975. For complete classification of this Act to the Code, see Tables.

$§ 1408e. Additional powers

Powers granted in this Act shall be in addition to and not in derogation of any powers granted by other law to or for the benefit or assistance of any public corporate authority or municipality.

(July 18, 1950, ch. 466, title III, § 306, 64 Stat. 347.)

REFERENCES IN TEXT

This Act, referred to in text, means act July 18, 1950, ch. 466, 64 Stat. 344, as amended, known as the Territorial Enabling Act of 1950, which enacted this subchapter and sections 480 to 480b, 483a, 483b, 721 to 722b, and 910 to 910b of this title, amended sections 481 to 483 and 722 of this title, and enacted provisions set out as notes under sections 480, 481, and 722 of this title. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER V—INTERNAL DEVELOPMENT


Section 1409a, act Dec. 20, 1944, ch. 615, § 2, 58 Stat. 828, related to availability of funds for studies, plans, etc., for projects authorized.


Section 1409c, acts Dec. 20, 1944, ch. 615, § 4, 58 Stat. 829; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, required construction of projects authorized to be by contract, provided that repairs and improvements to existing structures be accomplished by employment of persons without regard to civil-service and classification laws.

Section 1409d, act Dec. 20, 1944, ch. 615, § 5, 58 Stat. 829; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, required construction of projects authorized to be by contract, provided that repairs and improvements to existing structures be accomplished by employment of persons without regard to civil-service and classification laws.


Section 1409f, act Dec. 20, 1944, ch. 615, § 7, 58 Stat. 829, made inapplicable to projects authorized the provisions of section 5 of former title 41, relating to advertising...
for bids in purchase of materials and services, where aggregate amount is less than §500.

Section 1409g, act Dec. 20, 1944, ch. 615, §8, 58 Stat. 829, related to disability and death benefits for certain employees receiving compensation from funds appropriated under this subchapter, subject to certain exceptions.

Section 1409h, act Dec. 20, 1944, ch. 615, §9, 58 Stat. 829; 1950 Reorg. Plan No. 15, §1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, related to consideration and settlement of claims for injury to persons and damage to property, and limitations thereon.


Estimates as Not Constituting Limitations

Act July 31, 1953, ch. 298, title I, §1, 67 Stat. 275, provided in part that the estimated project costs specified in this subchapter not constitute limitations on amounts that could be expended for such projects. Similar provisions were contained in acts July 9, 1952, ch. 597, title I, §101, 66 Stat. 459; Aug. 31, 1951, ch. 375, title I, §101, 65 Stat. 264.

SUBCHAPTER VI—AGRICULTURAL PROGRAM


Section 1409m, act Oct. 29, 1951, ch. 603, §1, 65 Stat. 661, related to establishment and maintenance of an agricultural research and extension service program.

Section 1409n, act Oct. 29, 1951, ch. 603, §2, 65 Stat. 662, related to transfer of functions, property, etc., of the agricultural experiment stations in Virgin Islands from Secretary of the Interior to Secretary of Agriculture.

Section 1409o, act Oct. 29, 1951, ch. 603, §3, 65 Stat. 662, related to authorization of appropriations and use of funds.

CHAPTER 8—GUANO ISLANDS

Sec.
1411. Guano districts; claim by United States.
1412. Notice of discovery of guano and proofs.
1413. Completion of proof on death of discoverer.
1414. Exclusive privileges of discoverer.
1415. Restrictions upon exportation.
1416. Regulation of trade.
1417. Criminal jurisdiction.
1418. Employment of land and naval forces in protection of rights.
1419. Right to abandon islands.

§ 1411. Guano districts; claim by United States

Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.

(R.S. §5570.)

CODIFICATION

R.S. §5570 derived from act Aug. 18, 1856, ch. 164, §1, 11 Stat. 119.

§ 1412. Notice of discovery of guano and proofs

The discoverer shall, as soon as practicable, give notice verified by affidavit, to the Depart-
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**

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, § 4, 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.
§ 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 Mariana 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


Short Title of 1968 Amendments

Pub. L. 90–461, § 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 16, 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


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.
§ 1421a. Unincorporated territory; capital; powers of government; suits against government; type of government; supervision

Guam is declared to be an unincorporated territory of the United States and the capital and seat of government thereof shall be located at the city of Agana, Guam. The government of Guam shall have the powers set forth in this chapter, shall have power to sue by such name, and, with the consent of the legislature evidenced by enacted law, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the government of Guam of any of its lawful powers. The government of Guam shall consist of three branches, executive, legislative, and judicial, and its relations with the Federal Government in all matters not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior for provisions that the President might direct.

Amendments

1968—Pub. L. 90–497 substituted provisions that the President might direct for provisions that the Secretary of the Interior for provisions that the general administrative supervision of matters concerning Guam be under the head of such civilian department or agency of the Government of the United States as the President might direct.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1421b. Bill of rights

(a) No law shall be enacted in Guam respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

(c) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(d) No person shall be subject for the same offense to be twice put in jeopardy of punishment; nor shall he be compelled in any criminal case to be a witness against himself.

(e) No person shall be deprived of life, liberty, or property without due process of law.

(f) Private property shall not be taken for public use without just compensation.

(g) In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(h) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Guam.

(j) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(k) No person shall be imprisoned for debt.

(l) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion any public danger thereof, the public safety shall require it.

(m) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(n) No person shall be convicted of treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(o) No public money or property shall ever be appropriated, supplied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.

(p) The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

(q) There shall be compulsory education for all children, between the ages of six and sixteen years.

(r) No religious test shall ever be required as a qualification to any office or public trust under the government of Guam.

(s) No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of Guam or of the United States shall be qualified to hold any public office of trust or profit under the government of Guam.

(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments.
§ 1421c

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All laws enacted by Congress with respect to Guam and all laws enacted by the territorial legislature of Guam which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.


AMENDMENTS


EFFECTIVE DATE OF 1968 AMENDMENT

Section 10 of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

§ 1421c. Certain laws continued in force; modification or repeal of laws

(a) The laws of Guam in force on August 1, 1950, except as amended by this chapter, are continued in force, subject to modification or repeal by the Congress of the United States or the Legislature of Guam, and all laws of Guam inconsistent with the provisions of this chapter are repealed to the extent of such inconsistency.


AMENDMENTS

1968—Subsec. (b). Pub. L. 90–497 repealed subsec. (b) which prohibited the application to Guam of laws of the United States not specifically made applicable to Guam and established a commission to determine which laws were applicable to Guam and which were not.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 7 of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

§ 1421d. Salaries and allowances of officers and employees

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of Guam, and the members of the legislature, shall be paid by the government of Guam at rates prescribed by the laws of Guam.


AMENDMENTS

1968—Subsec. (c). Pub. L. 90–497, § 9(a), repealed subsec. (c) which provided for the payment of transportation expenses by the United States of all officers and employees of the government of Guam if their homes were outside Guam.

Pub. L. 90–497, § 9(b), removed subsection designations and substituted provisions that the government of Guam pay the salaries and travel expenses of the Governor, Lieutenant Governor, heads of executive departments, members of the legislature, and government officers and employees at rates prescribed by the laws of Guam for provisions setting the salary for the Governor and Secretary of Guam and allowing for the payment of transportation expenses and salaries of certain officers and employees by the United States.

1965—Subsec. (e). Pub. L. 89–100 substituted provisions empowering the government of Guam to fix and pay legislative salaries and expenses for provisions which specifically fixed a sum of $15 per day to be paid each member for every day the legislature is in session payable out of Congressional appropriations and which required all other expenses to be paid by the government of Guam.


EFFECTIVE DATE OF 1968 AMENDMENT

Section 9(a) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

Section 9(b) of Pub. L. 90–497 provided that the amendment made by that section is effective Jan. 4, 1971.

§ 1421e. Duty on articles

All articles coming into the United States from Guam shall be subject to or exempt from duty as provided for in section 1301a of title 19.


REFERENCES IN TEXT

Section 1301a of title 19, referred to in text, was repealed by Pub. L. 87–456, title III, § 301(a), May 24, 1962, 76 Stat. 75. See General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1954 AMENDMENT

1954—Act Sept. 1, 1954, subjected Guam to the general provision for importations from insular possessions contained in section 1301a of title 19.

EFFECTIVE DATE OF 1954 AMENDMENT

Section 601 of act Sept. 1, 1954, 68 Stat. 1141, provided that: "Titles II, III, IV, and VI of this Act [enacting section 1301a of Title 19, Customs Duties, amending sections 1301b and 1644 of this title and sections 160, 161, 1001, and 1201 of Title 19] shall be effective on and after the thirtieth day following the date of the enactment of this Act [Sept. 1, 1954]".

§ 1421f. Title to property transferred

(a) Property employed by naval government of Guam

The title to all property, real and personal, owned by the United States and employed by the naval government of Guam in the administration of the civil affairs of the inhabitants of Guam, including automotive and other equipment, tools and machinery, water and sewerage facilities, bus lines and other utilities, hospitals, schools, and other buildings, shall be transferred to the government of Guam within ninety days after August 1, 1950.

(b) Other property not reserved

All other property, real and personal, owned by the United States in Guam, not reserved by the President of the United States within ninety days after August 1, 1950, is placed under the 1See References in Text note below.
control of the government of Guam, to be administered for the benefit of the people of Guam, and the legislature shall have authority, subject to such limitations as may be imposed upon its acts by this chapter or subsequent Act of the Congress, to legislate with respect to such property, real and personal, in such manner as it may deem desirable.

(c) Secretary of the Interior; sale or lease

All property owned by the United States in Guam, the title to which is not transferred to the government of Guam by subsection (a) of this section, or which is not placed under the control of the government of Guam by subsection (b) of this section, is transferred to the administrative supervision of the Secretary of the Interior, except as the President may from time to time otherwise prescribe: Provided, That the Secretary of the Interior shall be authorized to lease or to sell, on such terms as he may deem in the public interest, any property, real and personal, of the United States under his administrative supervision in Guam not needed for public purposes.

(Aug. 1, 1950, ch. 512, § 28, 64 Stat. 392; Pub. L. 90–497, set out as other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as Effective Date of 1968 Amendment Amendment by Pub. L. 90–947 necessary to authorize the

Effective Date of 1968 Amendment Amendment by Pub. L. 90–947 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.


NOW, THEREFORE, by virtue of the authority vested in me by the said section 28 of the Organic Act of Guam [this section] and as President of the United States, it is ordered as follows:

1. The following-described real and personal property of the United States in Guam is hereby reserved to the United States and placed under the control and jurisdiction of the Secretary of the Navy: Provided, That the Secretary of the Navy shall transfer such portions of such property to the Department of the Army, the Department of the Air Force, and the Coast Guard as may be required for their respective purposes:

(a) All of that real property in Guam situated within the perimeter areas defined in the following-designated condemnation proceedings in the Superior Court of Guam, being the same property quitclaimed by the Naval Government of Guam to the United States of America by deed dated July 31, 1950, and filed for record with the Land Registrar of Guam on August 4, 1950 (Presentation No. 22063):

(b) The road system and utilities systems described in the said deed between the Naval Government of Guam and the United States of America dated July 31, 1950.

(c) The following-described real property of the United States in Guam is hereby reserved to the United States and transferred to the administrative supervision of the Secretary of the Interior, and shall be available for disposition by the Secretary of the Interior in his discretion under section 28(c) of the said Organic Act of Guam [subsection (c) of this section]:

All of those lands which have been selected by the Secretary of the Interior for transfer or sale pursuant to the act of November 15, 1945, 59 Stat. 584, to persons in replacement of lands acquired for military or naval purposes in Guam, a list and description of such lands being on file in the Department of the Navy.

In addition to the personal property described in paragraph 1(e) hereof, there is hereby reserved to the United States all personal property of the United

<table>
<thead>
<tr>
<th>Condemnation proceedings Civil No.</th>
<th>Perimeter area</th>
<th>Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6–49</td>
<td>5,900</td>
<td>Mt. Santa Rosa-Marbo Water Lines.</td>
</tr>
<tr>
<td>7–49</td>
<td>5,900</td>
<td>Mt. Tumon Water Reservoir.</td>
</tr>
<tr>
<td>24–49</td>
<td>4,803,000</td>
<td>Naval Ammunition Depot.</td>
</tr>
<tr>
<td>3–49</td>
<td>44,653</td>
<td>Primary Transmission Line.</td>
</tr>
<tr>
<td>8–49</td>
<td>12,302,000</td>
<td>Saipan-Rosario Water Line Easement.</td>
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<tr>
<td>5–49</td>
<td>4,302,000</td>
<td>Apra Harbor Reservation.</td>
</tr>
<tr>
<td>2–50</td>
<td>6,450</td>
<td>Sewer Tunnel.</td>
</tr>
<tr>
<td>3–50</td>
<td>10,450</td>
<td>Camp Dealy.</td>
</tr>
<tr>
<td>4–50</td>
<td>0,637</td>
<td>Tumon Bay Recreation Area Utility Lines.</td>
</tr>
<tr>
<td>5–50</td>
<td>24,914</td>
<td>Agana Springs.</td>
</tr>
<tr>
<td>6–50</td>
<td>41,360</td>
<td>Asian Point Tank Farm.</td>
</tr>
<tr>
<td>7–50</td>
<td>89,602</td>
<td>Asian Point Housing.</td>
</tr>
<tr>
<td>8–50</td>
<td>107,393</td>
<td>Medical Center.</td>
</tr>
<tr>
<td>9–50</td>
<td>40,600</td>
<td>Army Guanan.</td>
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<tr>
<td>10–50</td>
<td>4,798,682</td>
<td>Naval Communication Station.</td>
</tr>
<tr>
<td>11–50</td>
<td>11,256</td>
<td>Nimitz Beach.</td>
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<tr>
<td>12–50</td>
<td>800,443</td>
<td>Command Center.</td>
</tr>
<tr>
<td>14–50</td>
<td>4,901,100</td>
<td>Tugce Natural Wells.</td>
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<tr>
<td>15–50</td>
<td>9,945</td>
<td>Agana Diesel Electric Generating Plant.</td>
</tr>
<tr>
<td>16–50</td>
<td>23,708,000</td>
<td>Mt. Santa Rosa Haul Road.</td>
</tr>
<tr>
<td>18–50</td>
<td>4,562,107</td>
<td>Northwest Air Force Base.</td>
</tr>
<tr>
<td>19–50</td>
<td>60,480</td>
<td>Marbo Base Command Area—Sewage Disposal.</td>
</tr>
<tr>
<td>19–50</td>
<td>21,695</td>
<td>Loran Station, Cocos Island.</td>
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<tr>
<td>20–50</td>
<td>15,322</td>
<td>Asian Point Tank Farm 1B1.</td>
</tr>
<tr>
<td>21–50</td>
<td>1,820,148</td>
<td>Proposed Boundaries of NAS Agana, Housing Area 1IB.</td>
</tr>
<tr>
<td>22–50</td>
<td>37,519</td>
<td>C. A. A. Site (Area 1IB0).</td>
</tr>
<tr>
<td>23–50</td>
<td>3,575</td>
<td>Tumon Maui Water (Water Tunnel).</td>
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<tr>
<td>24–50</td>
<td>49,277</td>
<td>Agana Bay Recreation Area (Road and AV-Gas Fuel Line Parcel 1B1).</td>
</tr>
<tr>
<td>25–50</td>
<td>0,208</td>
<td>Utility Easement from Rt. 1B1 to Rt. 1B6 (Coast Junction).</td>
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<tr>
<td>26–50</td>
<td>63,300</td>
<td>Tumon Bay Recreation Area (Area 1B7).</td>
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<tr>
<td>27–50</td>
<td>2,497,400</td>
<td>Marbo Base Command.</td>
</tr>
<tr>
<td>28–50</td>
<td>9,918</td>
<td>Mt. Tumon VIF Station.</td>
</tr>
<tr>
<td>29–50</td>
<td>285,267</td>
<td>Sasa Valley Tank Farm (Area 1B78).</td>
</tr>
<tr>
<td>30–50</td>
<td>17,780</td>
<td>Sub Transmission System Piti Steam Plant to Command Center.</td>
</tr>
<tr>
<td>31–50</td>
<td>26,888</td>
<td>Route 1B1 (Marine Drive) (Portion).</td>
</tr>
<tr>
<td>32–50</td>
<td>94,000</td>
<td>Sub Transmission System (34 KV Line) Piti Steam Plant to Agana Diesel Plant and POL System Sasa Valley Tank Farm to NAS Agana.</td>
</tr>
<tr>
<td>33–50</td>
<td>953,000</td>
<td>Harmon Air Force Base.</td>
</tr>
<tr>
<td>34–50</td>
<td>2,922,000</td>
<td>Radio Barrigada.</td>
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<tr>
<td>35–50</td>
<td>25,000</td>
<td>AACS Radio Range (Area 1B39).</td>
</tr>
<tr>
<td>36–50</td>
<td>37,000</td>
<td>Water Line Apra Heights Reservoir to Pena Pump Station and AV-Gas Fuel System.</td>
</tr>
<tr>
<td>37–50</td>
<td>2,185,000</td>
<td>Pena River Reservoir.</td>
</tr>
</tbody>
</table>
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States in Guam, except that which is transferred to the government of Guam by or pursuant to section 28 (a) of the Organic Act of Guam, which on the date of this order is in the custody or control of the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, or any other department or agency of the United States; and all such personal property shall remain in the custody and control of the department or agency having custody and control thereof on the date of this order.

HARRY S TRUMAN.

§ 1421f-1. Acknowledgment of deeds

Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: Provided, That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, 1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

(June 28, 1906, ch. 3585, 34 Stat. 552.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3662(b) of Title 22, Foreign Relations and Intercourse.

CODIFICATION

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

Section is also classified to section 1682 of this title.

§ 1421g. Establishment and maintenance of public bodies and offices

(a) Public health services

Subject to the laws of Guam, the Governor shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease.

(b) Public educational system

The Government of Guam shall provide an adequate public educational system of Guam, and to that end shall establish, maintain, and operate public schools according to the laws of Guam.

(c) Office of Public Prosecutor; Office of Public Auditor

The Government of Guam may by law establish an Office of Public Prosecutor and an Office of Public Auditor. The Public Prosecutor and Public Auditor may be removed as provided by the laws of Guam.

(d) Attorney General

(1) The Attorney General of Guam shall be the Chief Legal Officer of the Government of Guam. At such time as the Office of the Attorney General of Guam shall next become vacant, the Attorney General of Guam shall be appointed by the Governor of Guam with the advice and consent of the legislature, and shall serve at the pleasure of the Governor of Guam.

(2) Instead of an appointed Attorney General, the legislature may, by law, provide for the election of the Attorney General of Guam by the qualified voters of Guam in general elections after 1998 in which the Governor of Guam is elected. The term of an elected Attorney General shall be 4 years. The Attorney General may be removed by the people of Guam according to the procedures specified in section 1422d of this title or may be removed for cause in accordance with procedures established by the legislature in Guam law. A vacancy in the office of an elected Attorney General shall be filled—

(A) by appointment by the Governor of Guam if such vacancy occurs less than 6 months before a general election for the Office of Attorney General of Guam; or

(B) by a special election held no sooner than 3 months after such vacancy occurs and no later than 6 months before a general election for Attorney General of Guam, and by appointment by the Governor of Guam pending a special election under this subparagraph.


AMENDMENTS


1986—Subsec. (b). Pub. L. 99–396, § 13(a)(1), substituted “according to the laws of Guam” for “at such places in Guam as may be necessary”.

Pub. L. 99–396, § 5, substituted “Government of Guam” for “Governor”.


§ 1421h. Duties, taxes, and fees; proceeds collected to constitute fund for benefit of Guam; prerequisites, amount, etc., remitted prior to commencement of next fiscal year

All customs duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, its Territories, or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam (including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam), and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the annual budgets; except that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of the Internal Revenue Code of 1986 [26
U.S.C. 1401 et seq., 3101 et seq.). Beginning as soon as the government of Guam enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, the Secretary of the Treasury, prior to the commencement of any fiscal year, shall remit to the government of Guam the amount of duties, taxes, and fees which the governor of Guam, with the concurrence of the government comptroller of Guam, has estimated will be collected in or derived from Guam under this section during the next fiscal year, except for those sums covered directly upon collection into the treasury of Guam. The Secretary of the Treasury shall deduct from or add to the amounts so remitted the difference between the amount of duties, taxes, and fees actually collected during the prior fiscal year and the amount of such duties, taxes, and fees as estimated and remitted at the beginning of that prior fiscal year, including any deductions which may be required as a result of the operation of Public Law 94-395 (90 Stat. 1199) or Public Law 86-170, as amended (82 Stat. 863).


REFERENCES IN TEXT

The internal-revenue laws of the United States, referred to in text, are classified generally to Title 26, Internal Revenue Code. Public Law 94-395 (90 Stat. 1199), referred to in text, was enacted Sept. 3, 1966, and amended section 1423a of this title.


AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1939”. 1984—Pub. L. 98-454 inserted “(not including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam)” after “inhabitants of Guam” in first sentence.

1979—Pub. L. 95-348 inserted provisions relating to authorization, amount, computation, etc., of remittance, prior to commencement of any fiscal year, of duties, taxes, and fees to be collected in or derived from Guam under this section during that next fiscal year.

1960—Pub. L. 86-778 inserted clause providing that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of title 26.

§1421i. Income tax

(a) Applicability of Federal laws; separate tax

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam: Provided, That notwithstanding any other provision of law, the Legislature of Guam may levy a separate tax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam.

(b) Guam Territorial income tax

The income-tax laws in force in Guam pursuant to subsection (a) of this section shall be deemed to impose a separate Territorial income tax, payable to the government of Guam, which tax is designated the “Guam Territorial income tax”.

(c) Enforcement of tax

The administration and enforcement of the Guam Territorial income tax shall be performed by or under the supervision of the Governor. Any function needful to the administration and enforcement of the income-tax laws in force in Guam pursuant to subsection (a) of this section shall be performed by any officer or employee of the government of Guam duly authorized by the Governor (either directly, or indirectly by one or more redelegations of authority) to perform such function.

(d) “Income-tax laws” defined; administration and enforcement; rules and regulations

(1) The income-tax laws in force in Guam pursuant to subsection (a) of this section include but are not limited to the following provisions of the Internal Revenue Code of 1986, where not manifestly inapplicable or incompatible with the intent of this section: Subtitle A [26 U.S.C. 1 et seq.] (not including chapter 2 [26 U.S.C. 1401 et seq.] and section 931 [26 U.S.C. 931]); chapters 24 and 25 of subtitle C [26 U.S.C. 3401 et seq.] and 3501 et seq., with reference to the collection of income tax at source on wages; and all provisions of subtitle F [26 U.S.C. 6001 et seq.] which apply to the income tax, including provisions as to crimes, other offenses, and forfeitures contained in chapter 75 [26 U.S.C. 7201 et seq.]. For the period after 1950 and prior to the effective date of the repeal of any provision of the Internal Revenue Code of 1939 which corresponds to one or more of those provisions of the Internal Revenue Code of 1986 which are included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, such income-tax laws include but are not limited to such provisions of the Internal Revenue Code of 1939.

(2) The Governor or his delegate shall have the same administrative and enforcement powers and remedies with regard to the Guam Territorial income tax as the Secretary of the Treasury, and other United States officials of the executive branch, have with respect to the United States income tax. Needful rules and regulations not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1986 [26 U.S.C. 7654(e)] for enforcement of the Guam Territorial income tax shall be prescribed by the Governor. The Governor or his delegate shall have authority to issue, from time to time, in whole or in part, the text of the income-tax laws in force in Guam pursuant to subsection (a) of this section.

(3) In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, the rate of tax under sections 871, 881, 884, 1411, 1412, 1443, 1445, and 1446 of the Internal Revenue Code of 1986 [26 U.S.C. 871, 881, 884, 1411, 1412, 1443, 1445, and 1446] on any item of income from sources within Guam shall be the same as the rate which would apply with respect to such item were Guam treated as part of the United States for purposes of the treaty obligations of the United States. The preceding sentence shall not apply.
to determine the rate of tax on any item of income received from a Guam payor if, for any taxable year, the taxes of the Guam payor were rebated under Guam law. For purposes of this subsection, the term "Guam payor" means the person from whom the item of income would be deemed to be received for purposes of claiming treaty benefits were Guam treated as part of the United States.

(e) Substitution of terms

In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, except where it is manifestly otherwise required, the applicable provisions of the Internal Revenue Codes of 1939 and 1939, shall be read so as to substitute "Guam" for "United States", "Governor or his delegate" for "Secretary or his delegate", "Governor or his delegate" for "Commissioner of Internal Revenue" and "Collector of Internal Revenue", "District Court of Guam for district court" and with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this section.

(f) Criminal offenses; prosecution

Any act or failure to act with respect to the Guam Territorial income tax which constitutes a criminal offense under chapter 75 of subtitle F of the Internal Revenue Code of 1986 [26 U.S.C. 7201 et seq.], or the corresponding provisions of the Internal Revenue Code of 1939, as included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, shall be an offense against the government of Guam and may be prosecuted in the name of the government of Guam by the appropriate officers thereof.

(g) Liens

The government of Guam shall have a lien with respect to the Guam Territorial income tax in the same manner and with the same effect, and subject to the same conditions, as the United States has a lien with respect to the United States income tax. Such lien in respect of the Guam Territorial income tax shall be enforceable in the name of and by the government of Guam. Where filing of a notice of lien is prescribed by the income-tax laws in force in Guam pursuant to subsection (a) of this section, such notice shall be filed in the Office of the Clerk of the District Court of Guam.

(h) Jurisdiction of District Court; suits for recovery or collection of taxes; payment of judgment

(1) Notwithstanding any provision of section 1424 of this title or any other provision of law to the contrary, the District Court of Guam shall have exclusive original jurisdiction over all judicial proceedings in Guam, both criminal and civil, regardless of the degree of the offense or of the amount involved, with respect to the Guam Territorial income tax.

(2) Suits for the recovery of any Guam Territorial income tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, under the income-tax laws in force in Guam, pursuant to subsection (a) of this section, may, regardless of the amount of claim, be maintained against the government of Guam subject to the same statutory requirements as are applicable to suits for the recovery of amounts maintained against the United States in the United States district courts with respect to the United States income tax. When any judgment against the government of Guam under this paragraph has become final, the Governor shall order the payment of such judgments out of any unencumbered funds in the treasury of Guam.

(3) Execution shall not issue against the Governor or any officer or employee of the government of Guam on a final judgment in any proceeding against him for any acts or for the recovery of money exacted by or paid to him and subsequently paid into the treasury of Guam, in performing his official duties under the income-tax laws in force in Guam pursuant to subsection (a) of this section, if the court certifies that—

(A) probable cause existed; or
(B) such officer or employee acted under the directions of the Governor or his delegate.

When such certificate has been issued, the Governor shall order the payment of such judgment out of any unencumbered funds in the treasury of Guam.

(4) A civil action for the collection of the Guam Territorial income tax, together with fines, penalties, and forfeitures, or for the recovery of any erroneous refund of such tax, may be brought in the name of and by the government of Guam in the District Court of Guam or in any district court of the United States or in any court having the jurisdiction of a district court of the United States.

(5) The jurisdiction conferred upon the District Court of Guam by this subsection shall not be subject to transfer to any other court by the legislature, notwithstanding section 1424(a) of this title.

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsecs. (d) to (f), is classified generally to Title 26, Internal Revenue Code.

The Internal Revenue Code of 1939, referred to in subsecs. (d)(1), (e), and (f), was generally repealed by section 7851 of the Internal Revenue Code of 1986, Title 26. For table of comparisons of the 1939 Code to the 1986 Code, see Table I preceding section 1 of Title 26, Internal Revenue Code. See also section 7852(b) of Title 26, Internal Revenue Code, for provision that references in any other law to a provision of the 1939 Code, unless expressly incompatible with the intent thereof, shall be deemed a reference to the corresponding provision of the 1986 Code.

Subtitle A (not including chapter 2 and section 931) and chapters 21 and 25 of subtitle C, referred to in subsec. (d)(1), and subtitle F and chapter 75, referred to in subsecs. (d)(1) and (f), mean subtitle A (§1 et seq.),
chapter 2 (§1401 et seq.) of subtitle A, chapters 24 (§3401 et seq.) and 25 (§3501 et seq.) of subtitle C, subtitle F (§6001 et seq.) and chapter 75 (§7201 et seq.) of subtitle F, respectively, of Title 26.

AMENDMENTS


1977—Subsec. (a). Pub. L. 95–134 inserted provision that the Legislature of Guam may levy a separate tax on taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam.

1972—Subsec. (d)(2). Pub. L. 92–606 substituted “Necessary and regulations not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1954” for “Necessary and regulations”.


Subsecs. (b) to (h). Pub. L. 85–688 added subsecs. (b) to (h).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–212, §2(b), Aug. 21, 2002, 116 Stat. 1051, provided that: “The amendment made by subsection (a) [amending this section] shall apply to amounts paid after the date of the enactment of the Act [Aug. 21, 2002].”

EFFECTIVE DATE OF 1972 AMENDMENT


EFFECTIVE DATE


AUTHORITY OF GUAM, AMERICAN SAMOA, AND THE NORTHERN MARIANA ISLANDS TO ENACT REVENUE LAWS

See section 1271 of Pub. L. 99–614, set out as a note under section 931 of Title 26, Internal Revenue Code.

RATIFICATION OF ASSESSMENTS AND COLLECTIONS MADE BEFORE AUGUST 20, 1958

Section 2 of Pub. L. 85–688 provided that income taxes assessed prior to Aug. 20, 1958, by the authorities of the government of Guam pursuant to, or under color of, this section, the collection of such taxes, and all acts done to effectuate such assessment and collection were legalized, ratified and confirmed as fully, to all intents and purposes, as if subsecs. (b) to (h) of this section, had then been in full force and effect.

§ 1421j. Authorization of appropriations

There are authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter.

(Aug. 1, 1950, ch. 512, §32, 64 Stat. 392.)

ELIMINATION OF GENERAL FUND DEFICITS OF GUAM AND VIRGIN ISLANDS

For authorization of appropriations for assistance to the governments of Guam and the Virgin Islands in elimination of general fund deficits, see Pub. L. 96–597, title VI, §607, Dec. 24, 1980, 94 Stat. 3483, set out as a note under section 1641 of this title.

§ 1421k. Designation of naval or military reservations; closed port

Nothing contained in this chapter shall be construed as limiting the authority of the President to designate parts of Guam as naval or military reservations, nor to restrict his authority to treat Guam as a closed port with respect to the vessels and aircraft of foreign nations.

(Aug. 1, 1950, ch. 512, §33, 64 Stat. 393.)

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

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


Section, act Aug. 1, 1950, ch. 512, §35, as added May 27, 1975, Pub. L. 94–26, §1, 89 Stat. 94, related to clerk hire allowance and reimbursement for transportation expenses of the Delegate from Guam to the House of Representatives.


Section, act Oct. 14, 1940, ch. 876, §206, as added Aug. 1, 1950, ch. 512, §4(a), 64 Stat. 384, granted United States citizenship to persons born or living on Guam on or after Apr. 11, 1899.


Section, act Aug. 1, 1956, ch. 852, §15, 70 Stat. 910, prohibited production, manufacture, compounding, possession, sale, dispensation, administration, or transportation of marihuana in Guam. See section 801 et seq. of Title 21, Food and Drugs. Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91–513, set out as an Effective Date note under section 851 of Title 21, Food and Drugs.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injuction proceedings commenced, prior to the effective date of repeal of this section by section 1101 of Pub. L. 91–513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91–513, set out as a note under section 171 of Title 21, Food and Drugs.

§ 1421n. Applicability of Federal copyright laws

The laws of the United States relating to copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in Guam as in the continental United States.

(Aug. 1, 1956, ch. 852, §24, 70 Stat. 911.)

REFERENCES IN TEXT

The laws of the United States relating to copyrights, referred to in text, are classified generally to Title 17, Copyrights.

CONDIFICATION

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

§ 1421o. Federal assistance for fire control, watershed protection, and reforestation

The Secretary of Agriculture is authorized to provide financial and technical assistance to Guam for improving fire control, watershed pro-
$1421p

Appendix, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.


Codification

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

$1421p. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of section 1421o of this title. Sums appropriated in pursuance of sections 1421o and 1421p of this title may be allocated to such agencies of the Department as are concerned with the administration of the program in Guam.


Codification

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

$1421q. Applicability of Federal laws

The laws of the United States which are made applicable to the Northern Mariana Islands by the provisions of section 502(a)(1) of H.J. Res. 549, as approved by the House of Representatives and the Senate, except for section 228 of title II [42 U.S.C. 428] and title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] as it applies to the several States and the Micronesia Claims Act [50 U.S.C. App. 2018 et seq.] as it applies to the Trust Territory of the Pacific Islands, shall be made applicable to Guam on the same terms and conditions as such laws are applied to the Northern Mariana Islands.


References in Text

Section 502(a)(1) of H.J. Res. 549, referred to in text, probably means section 502(a)(1) of 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 contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title. For Jan. 9, 1978, as the date section 502 of the Covenant came into force, see Proc. No. 4534, § 2, set out as a note under section 1801 of this title.

The joint resolution approved on March 24, 1976, referred to in text, is Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, 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 Micronesia Claims Act of 1971, referred to in text, is Pub. L. 92-39, July 1, 1971, 85 Stat. 92, which was classified generally to section 1801 et seq. of Title 50, Appendix, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

1 See References in Text note below.
the Micronesian Claims Act of 1971 (85 Stat. 96) of the
Covenant to Establish a Commonwealth of the Northern
Mariana Islands in Political Union With the United
States of America, approved by joint resolution ap-
proved on March 24, 1976 (90 Stat. 263), and 502a(2) of
said Covenant shall be applicable to the territories of
Guam and the Virgin Islands on the same terms and
conditions as such laws are applied to the Common-
wealth of the Northern Mariana Islands.''

**EFFECTIVE DATE OF 1977 AMENDMENT**

Section 2 of Pub. L. 95–135 provided that: ‘‘This
amendatory joint resolution [amending this section]
shall be effective as of the approval of said Act entitled
‘‘To authorize certain appropriations for the territories
of the United States, to amend certain Acts relating
thereto, and for other purposes’’ (enrolled bill H.R. 6550,
Ninety-fifth Congress, first session) (Pub. L. 95–134, ap-
proved Oct. 15, 1977).''

§ 1421r. Port of Guam Improvement Enterprise
Program

(a) In general

The Secretary of Transportation, acting through the Administrator of the Maritime Ad-
ministration (in this section referred to as the
‘‘Administrator’’), may establish a Port of Guam
Improvement Enterprise Program (in this sec-
tion referred to as the ‘‘Program’’) to provide
for the planning, design, and construction of
projects for the Port of Guam to improve facili-
ties, relieve port congestion, and provide greater
access to port facilities.

(b) Authorities of the Administrator

In carrying out the Program, the Adminis-
trator may—

(1) receive funds provided for the Program
from Federal and non-Federal entities, includ-
ing private entities;

(2) provide for coordination among appro-
piate governmental agencies to expedite the
review process under the National Environ-
mental Policy Act of 1969 (42 U.S.C. 4321 et
seq.) for projects carried out under the Pro-
gram;

(3) provide for coordination among appro-
piate governmental agencies in connection
with other reviews and requirements applica-
tible to projects carried out under the Program;

and

(4) provide technical assistance to the Port
Authority of Guam (and its agents) as needed
for projects carried out under the Program.

(c) Port of Guam Improvement Enterprise
Fund

(1) Establishment

There is established in the Treasury of the
United States a separate account to be known as the ‘‘Port of Guam Improvement Enterprise
Fund’’ (in this section referred to as the
‘‘Fund’’).

(2) Deposits

There shall be deposited into the Fund—

(A) amounts received by the Adminis-
trator from Federal and non-Federal sources
under subsection (b)(1);

(B) amounts transferred to the Adminis-
trator under subsection (d); and

(C) amounts appropriated to carry out this
section under subsection (f).

(3) Use of amounts

Amounts in the Fund shall be available to the
Administrator to carry out the Program.

(4) Administrative expenses

Not to exceed 3 percent of the amounts ap-
propriated to the Fund for a fiscal year may
be used for administrative expenses of the Admin-
istrator.

(5) Availability of amounts

Amounts in the Fund shall remain available
until expended.

(d) Transfers of amounts

Amounts appropriated or otherwise made
available for any fiscal year for an intermodal
or marine facility comprising a component of
the Program shall be transferred to and admin-
istered by the Administrator.

(e) Limitation

Nothing in this section shall be construed to
authorize amounts made available under section
215 of title 23 or any other amounts made avail-
able for the construction of highways or
amounts otherwise not eligible for making port
improvements to be deposited into the Fund.

(f) Authorization of appropriations

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


**REFERENCES IN TEXT**

The National Environmental Policy Act of 1969, re-
ferred to in subsec. (b)(2), is Pub. L. 91–190, Jan. 1, 1970,
85 Stat. 852, which is classified generally to chapter 55
(§4321 et seq.) of Title 42, The Public Health and Wel-
fare. For complete classification of this Act to the
Code, see Short Title note set out under section 4321 of
Title 42 and Tables.

**CODIFICATION**

Section was enacted as part of the Duncan Hunter
National Defense Authorization Act for Fiscal Year
2009 and not as part of the Organic Act of Guam which
comprises this chapter.

**AMENDMENTS**

end.

**SUBCHAPTER II—THE EXECUTIVE BRANCH**

§ 1422. Governor and Lieutenant Governor; term
of office; qualifications; powers and duties; annual report to Congress

The executive power of Guam shall be vested in
an executive officer whose official title shall be the ‘‘Governor of Guam’. The Governor of
Guam, together with the Lieutenant Governor,
shall be elected by a majority of the votes cast
by the people who are qualified to vote for the
members of the Legislature of Guam. The Gov-
ernor and Lieutenant Governor shall be chosen
jointly, by the casting by each voter of a single
vote applicable to both offices. If no candidates
receive a majority of the votes cast in any elec-
tion, on the fourteenth day thereafter a runoff
election shall be held between the candidates for
Governor and Lieutenant Governor receiving the
highest and second highest number of votes cast.
The first election for Governor and Lieu-

The Governor shall make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

There is hereby established the office of Lieutenant Governor of Guam. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this chapter or under the laws of Guam.

The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Guam during his incumbency.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this chapter. He shall appoint, and may remove, all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the Armed Forces of the United States in Guam, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in accordance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall also make such other reports as required by Congress or under applicable Federal law.
§ 1422a. Removal of Governor, Lieutenant Governor, or member of legislature; referendum election

(a) The people of Guam shall have the right of initiative and referendum, to be exercised under conditions and procedures specified in the laws of Guam.

(b) Any Governor, Lieutenant Governor, or member of the legislature of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such referendum election. The referendum election shall be initiated by the legislature of Guam following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) petition for such a referendum by registered voters equal in number to at least 50 per centum of the whole number of votes cast at the last general election at which such official was elected preceding the filing of the petition.


AMENDMENTS

1968—Pub. L. 90–497 redesignated existing provisions as subsec. (b) and inserted provisions relating to the removal of a Lieutenant Governor or member of the legislature of Guam.

1962—Pub. L. 87–419 substituted provisions relating to the removal of the Governor of Guam through a referendum election for provisions for the appointment, tenure, powers, and duties of the Secretary of Guam.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1422b. Vacancy in office of Governor or Lieutenant Governor

(a) Temporary disability or temporary absence of Governor

In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(b) Permanent vacancy in office of Governor

In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, or permanent disability of the Governor, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

(c) Temporary disability or temporary absence of Lieutenant Governor

In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Guam may prescribe.

(d) Permanent vacancy in office of Lieutenant Governor

In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

(e) Temporary disability or temporary absence of both Governor and Lieutenant Governor

In case of the temporary disability or temporary absence of both Governor and Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Guam may prescribe.

(f) Additional compensation

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this chapter.


AMENDMENTS

1968—Pub. L. 90–497 designated existing provisions as subsec. (a), substituted provisions that the Lieutenant Governor have the powers of the Governor in the event of the temporary disability or temporary absence of the Governor for provisions authorizing the appointed department head to designate an acting Governor in the case of a vacancy or temporary absence of both the Governor and the Secretary of Guam, and added subsecs. (b) to (f).

1962—Pub. L. 87–419 provided for appointment of an acting secretary under certain conditions, prescribed the powers of such secretary and prescribed additional compensation for an acting Governor or acting secretary.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1422c. Executive agencies and instrumentalities

(a) Appointment of heads; establishment of merit system; Civil Service Commission

The Governor shall, except as otherwise provided in this chapter or the laws of Guam, appoint, by and with the advice and consent of the
legislature, all heads of executive agencies and instrumentalities. The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system. The Government of Guam may by law establish a Civil Service Commission to administer the merit system. Members of the commission may be removed as provided by the laws of Guam.

(b) Powers and duties of officers

All officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law.

(c) Reorganization

The Governor shall, from time to time, examine the organization of the executive branch of the government of Guam, and shall determine and carry out such changes therein as are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of Guam.

(d) Continuation in office of incumbents

All persons holding office in Guam on August 1, 1950 may, except as otherwise provided in this chapter, continue to hold their respective offices until their successors are appointed and qualified.

(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of Guam, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

(2) The authority to report to the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

(b) Scope of authority transferred

The authority granted in paragraph (a) of this section shall extend to all activities of the government of Guam, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

(e) Transfer of personnel, assets, etc., of office of government comptroller for Guam to Office of Inspector General, Department of the Interior

In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.

(j) Effective Date of 1968 Amendment

Section 4(a) of Pub. L. 90–497 provided that the amendment made by such section 4(a) is effective on date of enactment of Pub. L. 90–497, which was approved on Sept. 11, 1968.

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1422d. Transfer of functions from government comptroller for Guam to Inspector General, Department of the Interior

(a) Functions, powers, and duties transferred

The following functions, powers, and duties heretofore vested in the government comptroller for Guam are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of Guam:

(b) Size of legislature; prohibition against denial of equal protection; at large and district representation

The legislature shall be composed of not to exceed twenty-one members, to be known as senators, elected at large, or elected from legislative districts or elected in part at large and in
part from legislative districts, as the laws of Guam may direct: Provided, That any districting and any apportionment pursuant to this authorization and provided for by the laws of Guam shall not deny to any person in Guam the equal protection of the laws: And provided further, That in any elections to the legislature, every elector shall be permitted to vote for the whole number of at-large candidates to be elected, and every elector residing in a legislative district shall be permitted to vote for the whole number of candidates to be elected within that district.

(c) Reapportionment; Federal census base

Any districting and related apportionment pursuant to this section shall be based upon the then most recent Federal population census of Guam, and any such districting and apportionment shall be reexamined following each successive Federal population census of Guam and shall be modified, if necessary, to be consistent with that census.

(d) Timing of biennial elections

General elections to the legislature shall be held on the Tuesday next after the first Monday in November, biennially in even-numbered years. The legislature in all respects shall be organized and shall sit according to the laws of Guam.


AMENDMENTS

1983—Subsec. (c). Pub. L. 98–213 substituted “Any” for “The laws of Guam shall not alter the manner in which members of the legislature are to be elected as provided in subsection (b) of this section more often than at ten-year intervals: Provided, That any”. 1966—Pub. L. 89–552 authorized election of senators in whole or in part from legislative districts if the laws of Guam so directed, provided that the legislators be called senators, prohibited any districting or apportionment which denied equal protection of the laws to any person in Guam, required that electors be permitted to vote for the whole number of candidates to be elected both within his district and at large, prohibited reapportionment oftener than at 10-year intervals, and required that any redistricting be based upon the latest Federal census.

AMENDMENT OF LAWS OF GUAM TO CONFORM TO CHANGES MADE BY PUB. L. 89–552

Section 2 of Pub. L. 89–552 provided that: “As soon as practicable after enactment of this Act [Sept. 2, 1966], and subject to the conditions and requirements of section 10 of the Organic Act of Guam, as amended by section 1 hereof [this section], the laws of Guam shall be amended to make provision for the manner of the election of members of the legislature. Until the laws of Guam shall make such provision the method of electing the legislature shall remain as it is upon the date of enactment of this Act.”

§ 1423a. Power of legislature; limitation on indebtedness of Guam; bond issues; guarantees for purchase by Federal Financing Bank of Guam Power Authority bonds or other obligations; interest rates; default

The legislative power of Guam shall extend to all rightful subjects of legislation not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for purposes of the government of Guam as may be uniformly provided by the Legislature of Guam, and when necessary to meet and pay taxes and revenues, bonds and other obligations may be issued by the government of Guam: Provided, however, That no public indebtedness of Guam shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in Guam. Bonds or other obligations of the government of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Guam within the meaning of this section. All bonds issuable by the government of Guam or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of Guam, or by any State or Territory or any political subdivision thereof, or by the District of Columbia. The Secretary of the Interior (hereafter in this section referred to as “Secretary”) is authorized to guarantee for purchase by the Federal Financing Bank bonds or other obligations of the Guam Power Authority maturing on or before December 31, 1978, which shall be issued in order to refinance short-term notes due or existing on June 1, 1976 and other indebtedness not evidenced by bonds or notes in an aggregate amount of not more than $36 million, and such bank, in addition to its other powers, is authorized to purchase, receive or otherwise acquire these same. The interest rate on obligations purchased by the Federal Financing Bank shall be not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 per centum, plus 1 per centum per annum. The Secretary, with the concurrence of the Secretary of the Treasury, may extend the guarantee provision of the previous sentence until December 31, 1980. The Secretary, upon determining that the Guam Power Authority is unable to refinance on reasonable terms the obligations purchased by the Federal Financing Bank under the fifth sentence of this section by December 31, 1980, may, with the concurrence of the Secretary of the Treasury, guarantee for purchase by the Federal Financing Bank; and such bank is authorized to purchase, obligations of the Guam Power Authority issued to refinance the principal amount of the obligations guaranteed under the fifth sentence of this section. The obligations that refinance such principal amount shall mature not later than December 31, 1990, and shall bear interest at a rate determined in accordance with section 2285 of title 12. At the request of the Board of Directors of the Guam Power Authority for a second refinancing agreement and conditioned on the approval of the Government of Guam pursuant to the law of Guam, and conditioned on the establishment of an independent rate-making authority by the Government of Guam, the Secretary may guarantee for purchase by the Federal Financing Bank, on or before December 31, 1984, according to an agreement that shall provide for—
Guam Power Authority obligations if such the Federal Financing Bank shall purchase such refinancing occur, (1) the independent rate-making agreement, and (2) the interest rate differential paragraph of the December 31, 1980, note from Interior for payment to the Federal Financing Directors of the Guam Power Authority, shall not modify the requirements of the Guam Power Authority that shall be consistent with generally accepted rate-making practices of public utilities, and (2) the Government of Guam shall not modify the requirements of such refinancing agreement without agreement of the Secretary. There are authorized to be appropriated to the Secretary of the Interior for payment to the Federal Financing Bank such sums as are necessary to pay (1) the repurchase payment required under the fifth paragraph of the December 31, 1980, note from the Guam Power Authority to the Federal Financing Bank and any subsequent repurchase payments required under the second refinancing agreement, and (2) the interest rate differential between the seven per centum to be paid by the Guam Power Authority and the second refinancing agreement and the interest rate that would otherwise be determined in accordance with the above cited section 2285 of title 12. Should the Guam Power Authority fail to pay in full any installment of interest or principal when due on the bonds or other obligations guaranteed under this section, the Secretary of the Treasury, upon notice from the Secretary shall deduct and pay to the Federal Financing Bank or the Secretary, according to their respective interests, such unpaid amounts from sums collected and payable pursuant to section 1421h of this title. Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the government of Guam which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the United States may have against the government of Guam or the Guam Power Authority pursuant to this guarantee. For the purpose of this chapter, under section 3713(a) of title 31 the term “person” includes the government of Guam and the Guam Power Authority.

The Secretary may place such stipulations as he deems appropriate on the bonds or other obligations he guarantees.


Classification


Amendments


1984—Pub. L. 98–454 inserted provisions relating to authority of Secretary to guarantee for purchase by the Federal Financing Bank, obligations of the Guam Power Authority to be used for a second refinancing of the principal amount due to mature on December 31, 1990.

1980—Pub. L. 96–205 substituted provisions relating to guarantees by the Secretary of the purchase by the Federal Financing Bank of the refinancing obligations of the Guam Power Authority where such refinancing obligations remain outstanding by Dec. 31, 1980, for provisions relating to payment of interest and default on maturity of guaranteed bonds or other obligations issued prior to Dec. 31, 1980.


§ 1423b. Selection and qualification of members; officers; rules and regulations; quorum

The legislature shall be the judge of the selection and qualification of its own members. It shall choose from its members its own officers, determine its rules and procedure, not inconsistent with this chapter, and keep a journal. The quorum of the legislature shall consist of a simple majority of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.


Amendments


1968—Pub. L. 90–497 inserted a quorum requirement, provided that a quorum of the legislature consist of eleven of its members, and made presence of a quorum requisite to passage of a law.

Effective Date of 1968 Amendment

Section 6(b) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

§ 1423c. Privileges of members

(a) The members of the legislature shall, in all cases except treason, felony, or breach of the
peace, be privileged from arrest during their attendance at the legislature and in going to and returning from the same.

(b) No member of the legislature shall be held to answer before any tribunal other than the legislature itself for any speech or debate in the legislature.

(Aug. 1, 1950, ch. 512, § 13, 64 Stat. 388.)

§ 1423d. Oath of office

Every member of the legislature and all officers of the government of Guam shall take the following oath or affirmation:

“I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Legislature (or as an officer of the government of Guam).”

(Aug. 1, 1950, ch. 512, § 14, 64 Stat. 388.)

§ 1423e. Prohibition against acceptance of salary increases or newly created offices

No member of the legislature shall, during the term for which he was elected or during the year following the expiration of such term, be appointed to any office which has been created, or the salary or emoluments of which have been increased during such term.

(Aug. 1, 1950, ch. 512, § 15, 64 Stat. 388.)

§ 1423f. Qualifications of members

No person shall sit in the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years and who has not been domiciled in Guam for at least five years immediately preceding the sitting of the legislature in which he seeks to qualify as a member, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights.

(Aug. 1, 1950, ch. 512, § 16, 64 Stat. 388.)

§ 1423g. Vacancies

Vacancies occurring in the legislature shall be filled as the legislature shall provide, except that no person filling a vacancy shall hold office longer than for the remainder of the term for which his predecessor was elected.

(Aug. 1, 1950, ch. 512, § 17, 64 Stat. 388.)

§ 1423h. Regular and special sessions

Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when, in his opinion, the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.


AMENDMENTS

1968—Pub. L. 90–497 removed 60-day limitation on the length of regular sessions and 14-day limitation on the length of special sessions of the legislature.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6(a) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

§ 1423i. Approval of bills

Every bill passed by the legislature shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him; if he does not return it within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect. All laws enacted by the legislature shall be reported by the Governor to the head of the department or agency designated by the President under section 1421a of this title. The Congress of the United States reserves the power and authority to annul the same.


AMENDMENTS

1975—Pub. L. 93–608 struck out requirement that reports be transmitted to Congress by the Secretary concerned.

1968—Pub. L. 90–497, §§ 8(a), struck out President’s authority to veto territorial legislation referred by the Governor after such legislation had been passed by the legislature over the Governor’s veto.

Pub. L. 90–497, § 8(b), struck out provision that, if Congress did not annul laws passed by the legislature and reported to Congress within one year of the date of its receipt by Congress, such laws were deemed to have been approved by Congress.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 8(b) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of
enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1423j. Authorization of appropriations

(a) Appropriations, except as otherwise provided in this chapter, and except such appropriations as shall be made from time to time by the Congress of the United States, shall be made by the legislature.

(b) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be re-appropriated, item by item.

(c) All appropriations made prior to August 1, 1950 shall be available to the government of Guam.

(Aug. 1, 1950, ch. 512, § 20, 64 Stat. 389.)

§ 1423k. Right of petition

The legislature or any person or group of persons in Guam shall have the unrestricted right of petition. It shall be the duty of all officers of the government to receive and without delay to act upon or forward, as the case may require, any such petition.

(Aug. 1, 1950, ch. 512, § 21, 64 Stat. 389.)

§ 1423l. Omitted

CODIFICATION

Section, act Oct. 5, 1992, Pub. L. 102–381, title I, 106 Stat. 1329, which authorized Territorial and local governments of Guam to make purchases through General Services Administration, was from the Department of the Interior and Related Agencies Appropriations Act, 1992, and was not repeated in subsequent appropriation acts. See section 1469 of this title. Similar provisions were contained in the following prior appropriation acts:


SUBCHAPTER IV—THE JUDICIARY

§ 1424. District Court of Guam; local courts; jurisdiction

(a) District Court of Guam; unified court system

(1) The judicial authority of Guam shall be vested in a court established by Congress designated as the “District Court of Guam”, and a judicial branch of Guam which branch shall constitute a unified judicial system and include an appellate court designated as the “Supreme Court of Guam”, a trial court designated as the “Superior Court of Guam”, and such other lower local courts as may have been or shall hereafter be established by the laws of Guam.

(2) The Supreme Court of Guam may, by rules of such court, create divisions of the Superior Court of Guam and other local courts of Guam.

(3) The courts of record for Guam shall be the District Court of Guam, the Supreme Court of Guam, the Superior Court of Guam (except the Traffic and Small Claims divisions of the Superior Court of Guam) and any other local courts or divisions of local courts that the Supreme Court of Guam shall designate.

(b) Jurisdiction

The District Court of Guam shall have the jurisdiction of a district court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, and that of a bankruptcy court of the United States.

(c) Original jurisdiction

In addition to the jurisdiction described in subsection (b) of this section, the District Court of Guam shall have original jurisdiction in all other causes in Guam, jurisdiction over which is not then vested by the legislature in another court or other courts established by it. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by the laws of Guam for the purpose of determining the requirements of indictment by grand jury or trial by jury.

the District Court of Guam,' and such local court or in a court of record established by Congress, designated generally. Prior to amendment, subsec. (a) read as follows: 'The judicial authority of Guam shall be vested in the District Court of Guam, and such local court or courts as may have been or shall hereafter be established by the laws of Guam in conformity with section 1424–1 of this title.'

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–378 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ‘The judicial authority of Guam shall be vested in a court of record established by Congress, designated the ‘District Court of Guam,’ and such local court or courts as may have been or shall hereafter be established by the laws of Guam in conformity with section 1424–1 of this title.’

1984—Pub. L. 98–454 amended section generally, striking out language which directed that no provisions of any rules which authorized or required trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, repealed that portion of section 1 of act Aug. 27, 1954, which had inserted such language originally, repealed section 335 of Pub. L. 95–598, which had amended this section and transferred out of this section into sections 1424–1 to 1424–4, with amendments, the remaining provisions formerly set out in this section relating to the creation, jurisdiction, and rules governing procedure in the Guam judicial system.

1978—Subsec. (a), Pub. L. 95–598, §335(a), inserted ‘and a bankruptcy court’.

Subsec. (b), Pub. L. 95–598, §335(b), substituted ‘section 2075 of title 28, in case under title 11,’ for ‘section 53 of title 11, in bankruptcy cases’.

1958—Subsec. (a), Pub. L. 85–444 provided that the District Court of Guam shall have jurisdiction in all cases arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, and to insert the paragraph requiring appeals to the District Court to be heard and determined by an appellate division.

1954—Subsec. (b). Act Aug. 27, 1954, inserted provisions making it clear that trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall not be required in the District Court of Guam until so required by laws enacted by the Legislature of Guam; and defining the terms ‘attorney for the government’, and ‘United States attorney’, as used in the Federal Rules of Criminal Procedure, when applicable to cases arising under the laws of Guam.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1005 of Pub. L. 98–454 provided that: ‘‘Titles VII, VIII, IX, and X of this Act [enacting sections 1424–1 to 1424–4, 1493, and 1613a of this title, repealing section 1400 of this title, amending this section and sections 1424b, 1424c, 1461, 1461, 1511, 1612, 1613, 1614, 1615, 1617, 1694, and 1621 to 1824 of this title, and enacting provisions set out as notes under sections 1424b, 1612, and 1614 of this title and section 373 of Title 28, Judiciary and Judicial Procedure] shall become effective on the nineteenth day following their enactment (Oct. 5, 1984).’’

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 335(b) of Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Section 402(e) of Pub. L. 95–598, which provided a prospective effective date for the amendment of subsec. (a) by section 335(a) of Pub. L. 95–598, was repealed by section 1001 of Pub. L. 98–454.

EFFECTIVE DATE OF 1954 AMENDMENT

Section 2 of act Aug. 27, 1954, provided that: ‘‘The amendment made by section 1 [amending this section] shall be deemed to be in effect as of August 1, 1950.’’

SEPARABILITY

Section 4 of act Aug. 27, 1954, provided: ‘‘If any particular provision of this Act [amending this section and enacting provisions set out as notes under this section], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.’’

NONREVERSAL OF CONVICTIONS PRIOR TO AUGUST 27, 1954

Section 3 of act Aug. 27, 1954, provided: ‘‘No conviction of a defendant in a criminal proceeding in the District Court of Guam heretofore had shall be reversed or set aside on the ground that the defendant was not indicted by a grand jury or tried by a petit jury.’’

§1424–1. Jurisdiction and powers of local courts

(a) Supreme Court of Guam

The Supreme Court of Guam shall be the highest court of the judicial branch of Guam (excluding the District Court of Guam) and shall—

(1) have original jurisdiction over proceedings necessary to protect its appellate jurisdiction and supervisory authority and such other original jurisdiction as the laws of Guam may provide;

(2) have jurisdiction to hear appeals over any cause in Guam decided by the Superior Court of Guam or other courts established under the laws of Guam;

(3) have jurisdiction to issue all orders and writs in aid of its appellate, supervisory, and original jurisdiction, including those orders necessary for the supervision of the judicial branch of Guam;

(4) have supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam;

(5) hear and determine appeals by a panel of three of the justices of the Supreme Court of Guam and a concurrence of two such justices shall be necessary to a decision of the Supreme Court of Guam on the merits of an appeal;

(6) make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam, including procedures for the determination of an appeal on banc; and

(7) govern attorney and judicial ethics and the practice of law in Guam, including admission to practice law and the conduct and discipline of persons admitted to practice law.

(b) Chief Justice of Supreme Court of Guam

The Chief Justice of the Supreme Court of Guam—

(1) shall preside over the Supreme Court unless disqualified or unable to act;

(2) shall be the administrative head of, and have general supervisory power over, all departments, divisions, and other instrumentalities of the judicial branch of Guam; and

(3) may issue such administrative orders on behalf of the Supreme Court of Guam as necessary for the efficient administration of the judicial branch of Guam.

(c) Orders of Chief Justice with respect to appeals

The Chief Justice of the Supreme Court of Guam, or a justice sitting in place of such Chief
Justice, may make any appropriate order with respect to—

(1) an appeal prior to the hearing and determination of that appeal on the merits; or

(2) dismissal of an appeal for lack of jurisdiction or failure to take or prosecute the appeal in accordance with applicable laws or rules of procedure.

d) Other local courts

Except as granted to the Supreme Court of Guam or otherwise provided by this chapter or any other Act of Congress, the Superior Court of Guam and all other local courts established by the laws of Guam shall have such original and appellate jurisdiction over all causes in Guam as the laws of Guam provide, except that such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam under section 1424 of this title.

e) Qualifications and duties of justices and judges

The qualifications and duties of the justices and judges of the Supreme Court of Guam, the Superior Court of Guam, and all other local courts established by the laws of Guam shall be governed by the laws of Guam and the rules of such courts.


AMENDMENTS

2004—Pub. L. 108–378 amended section generally, substituting provisions relating to Supreme Court of Guam and other courts for provisions consisting of subsecs. (a) to (c) relating to composition of local courts and establishment of appellate court, jurisdiction of courts, and practice and procedure in local courts and qualifications and duties of judges.

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.

§1424–2. Relations between courts of United States and courts of Guam

The relations between the courts established by the Constitution or laws of the United States and the local courts of Guam with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings.


AMENDMENTS

2004—Pub. L. 108–378 struck out before period at end "Provided That for the first fifteen years following the establishment of the appellate court authorized by section 1424–1(a) of this title, the United States Court of Appeals for the Ninth Circuit shall have jurisdiction to review by writ or certiorari all final decisions of the highest court of Guam from which a decision could be had. The Judicial Council of the Ninth Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection."

1994—Pub. L. 103–437 substituted "Natural Resources" for "Interior and Insular Affairs" before "of the House".

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.

§1424–3. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules; appeals to appellate court

(a) Appellate jurisdiction of District Court

Prior to the establishment of the appellate court authorized by section 1424–1(a) of this title, which is known as the Supreme Court of Guam, the District Court of Guam shall have such appellate jurisdiction over the local courts of Guam as the legislature may determine: Provided, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of Guam or of any orders or regulations issued or actions taken by the executive branch of the government of Guam with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The district judge shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division of any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1424b of this title: Provided, That no more than one of them may be a judge of a court of record of Guam. The concurrence of two judges shall be necessary to any decision of the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any ap-
appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(c) United States Court of Appeals for Ninth Circuit; jurisdiction; rules

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(d) Appeals to appellate court; effect on District Court

Upon the establishment of the appellate court provided for in section 1424–1(a) of this title, which is known as the Supreme Court of Guam, all appeals from the decisions of the local courts not previously taken must be taken to such appellate court. The establishment of that appellate court shall not result in the loss of jurisdiction of the appellate division of the district court over any appeal then pending in it. The rulings of the appellate division of the district court on such appeals may be reviewed in the United States Court of Appeals for the Ninth Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.


AMENDMENTS

2004—Subsec. (a). Pub. L. 108–378, § 1(c)(1), inserted "which is known as the Supreme Court of Guam," after "appellate court authorized by section 1424–1(a) of this title.".

Subsec. (d). Pub. L. 108–378, § 1(c)(2), inserted "which is known as the Supreme Court of Guam," after "appellate court provided for in section 1424–1(a) of this title," and substituted "taken to such appellate court" for "taken to the appellate court."

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.


Section, act Aug. 1, 1950, ch. 512, § 23, 64 Stat. 390, related to appeals from the District Court of Guam to the United States Court of Appeals for the Ninth Circuit, and to the United States Supreme Court. See sections 41, 1252, 1291, 1292, and 1294 of Title 28, Judicial Procedure.

Savings Provision

Subsec. (l) of section 56 of act Oct. 31, 1951, provided that the repeal by section 56 of act Oct. 31, 1951, shall not affect any rights or liabilities existing hereunder on the effective date of that repeal (Oct. 31, 1951).

§ 1424b. Judge of District Court; appointment, tenure, removal, and compensation; appointment of United States attorney and marshal

(a) The President shall appoint, by and with the advice and consent of the Senate, a judge for the District Court of Guam who shall hold office for the term of ten years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of a local court of record or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit or a recalled senior judge of the District Court of Guam or of the District Court for the Northern Mariana Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for Guam to whose offices the provisions of chapters 35 and 37 of title 28, respectively, shall apply.


AMENDMENTS

1984—Subsec. (a). Pub. L. 98–454, § 802(a)–(c), substituted "for the term of ten years" for "for a term of 3 years, but...
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eight years’ in first par., and, in second par., substituted “a local court of record” for “the Island Court of Guam” and inserted “or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands” after “ninth circuit”.

Subsec. (b). Pub. L. 98–454, § 802(d), substituted “35” and “37” for “31” and “33” respectively.

Subsec. (c). Pub. L. 98–454, § 802(e), struck out subsec. (c) which provided that chapters 43 and 49 of title 28 shall apply to the District Court of Guam.

1968—Subsec. (a). Pub. L. 85–444 increased the term of office from four to eight years, substituted provisions requiring the salary of the judge to be at the rate prescribed for judges of the United States district courts for provisions which required the salary of the judge to be the same as salary of the Governor of Guam, and inserted provisions permitting the Chief Judge of the Ninth Circuit to make temporary assignments.

1951—Subsec. (a). Act Oct. 31, 1951, in second sentence, struck out “, and shall be entitled to the benefits of retirement provided in section 373 of title 28.”


Effective Date of 1984 Amendment


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.

Extension of Term of District Judges; Applicability; Effective Date

Section 1004 of Pub. L. 98–454 provided that: “The provisions of sections 706(a), 802(a), and 901(a) of this Act (amending sections 1614, 1424, and 1821, respectively, of this title) extending the terms of district court judges of the Virgin Islands, Guam, and the Northern Mariana Islands, respectively, from eight to ten years shall be applicable to the judges of those courts holding office on the effective date of this Act [Oct. 5, 1984].”

§ 1424c. Review of claims respecting land on Guam

(a) Jurisdiction

Notwithstanding any law or court decision to the contrary, the District Court of Guam is hereby granted authority and jurisdiction to review claims of persons, their heirs or legatees, from whom interests in land on Guam were acquired other than through judicial condemnation proceedings, in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, by the United States between July 21, 1944, and August 23, 1963, and to award fair compensation in those cases where it is determined that less than fair market value was paid as a result of (1) duress, unfair influence, or other unconscionable actions, or (2) unfair, unjust, and inequitable actions of the United States.

(b) Acquisitions effected through condemnation proceedings

Land acquisitions effected through judicial condemnation proceedings in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, shall remain res judicata and shall not be subject to review hereunder.

(c) Fair compensation

Fair compensation for purposes of this Act is defined as such additional amounts as are necessary to effect payment of fair market value at the time of acquisition, if it is determined that, as a result of duress, unfair influence, or other unconscionable actions, fair market value was not paid.

(d) Employment of special masters or judges

The District Court of Guam may employ and utilize the services of such special masters or judges as are necessary to carry out the intent and purposes hereof.

(e) Awards

Awards made hereunder shall be judgments against the United States.

(f) Limitation on attorney’s fees; violation; penalty

Attorney’s fees paid by claimants to counsel representing them may not exceed 5 per centum of any additional award. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both. A reasonable attorney’s fee may be awarded in appropriate cases.

(g) Availability of documents, records, and writings to court

All agencies and departments of the United States Government shall, upon request, deliver to the court any documents, records, and writings which are pertinent to any claim under review.

References in Text


Amendments


Treatments of Certain Awards by District Court of Guam

Pub. L. 100–647, title VI, § 6140, Nov. 10, 1988, 102 Stat. 3724, provided that: “For purposes of the internal revenue laws of the United States and Guam, gross income shall not include any amount received pursuant to any claim over which the District Court of Guam has jurisdiction by reason of section 294 of Public Law 95–134 [this section] (commonly referred to as the Omnibus Territories Act of 1977). This section shall be effective for taxable years beginning after December 31, 1985.”

Commencement of Civil Actions Before

April 1, 1982

Section 301(b) of Pub. L. 96–205 provided that: “Any civil action under section 294 of the Omnibus Territories Act of 1977 (91 Stat. 1162) [this section] shall be
barred unless it is commenced not later than April 1, 1982.'"

**SUBCHAPTER V—PUBLIC HOUSING AND URBAN RENEWAL**

§ 1425. Omitted

**CODIFICATION**

Section, act June 27, 1934, ch. 847, § 214, as added Apr. 23, 1949, ch. 89, § 2(a), 63 Stat. 57, and amended, related to insurance of mortgages on property in Guam. See section 1715d of Title 12, Banks and Banking.

§ 1425a. Legislative authority to create authorities; appointment of members; powers of authorities

The Legislature of Guam may by law grant to a public corporate authority, existing or to be created by or under such law, powers to undertake urban renewal and housing activities in Guam. Such legislature may by law provide for the appointment, terms of office, or removal of the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available, and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the territory of Guam for any loan whatever.


**CODIFICATION**

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

§ 1425b. Issuance of notes, bonds, and obligations

The Legislature of Guam may by law authorize such authority, any provision of the Organic Act of Guam [48 U.S.C. 1421 et seq.], or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislature may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of Guam other than such authority, nor constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, other obligations contained in any laws of the United States applicable to Guam or to any agency thereof.


**REFERENCES IN TEXT**

The Organic Act of Guam, referred to in text, is act Aug. 1, 1900, ch. 512, 30 Stat. 399, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

**CODIFICATION**

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

§ 1425c. Authorization of loans, conveyances, etc.

The Legislature of Guam may by law assist such authority by furnishing, or authorizing the furnishing of, cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may by law take other action in aid of urban renewal or housing or related activities.


**CODIFICATION**

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

§ 1425d. Ratification of prior act

Each and every part of Public Law 6–135, approved December 18, 1962, heretofore enacted by the Legislature of Guam dealing with any part of the subject matter of sections 1425a to 1425e of this title and not inconsistent therewith is ratified and confirmed.


**CODIFICATION**

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

§ 1425e. Additional powers

Powers granted herein shall be in addition to, and not in derogation of, any powers granted by other law to, or for the benefit or assistance of, any public corporate authority.


**CODIFICATION**

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


Section, acts Apr. 23, 1949, ch. 89, § 2(b), 63 Stat. 58; June 30, 1953, ch. 170, § 25(b), 67 Stat. 128, related to purchase of insured mortgage loans by the Federal National Mortgage Association, with respect to property in Guam. Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

**SUBCHAPTER VI—GUAM DEVELOPMENT FUND**

§ 1428. Authorization of appropriations

(a) For the purpose of promoting economic development in the territory of Guam, there is authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam for the purposes of this subchapter the sum of $5,000,000.

(b) In addition to the appropriations authorized in subsection (a) of this section, $1,000,000 is authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam annually for five fiscal years commencing in fiscal year 1978 to carry out the purposes of this subchapter.


**CODIFICATION**

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.
§ 1428a. Submission of plan for use of funds; contents of plan; term, interest rate, and premium charge of loan

Prior to receiving any funds pursuant to this subchapter the government of Guam shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall designate an agency of such government as the agency or agencies for the administration of the plan and shall set forth the policies and procedures to be followed in furthering the economic development of Guam through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry in Guam through a revolving fund for such purposes: Provided, That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on outstanding marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of Guam; and that premium charges for the insurance and guarantee of loans shall be commensurate, in the judgment of the agency or agencies administering the fund, with expenses and risks covered.


Codification

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

§ 1428b. Prerequisite for loan or loan guarantee; maximum participation in available funds; reserves for loan guarantees

No loan or loan guarantee shall be made under this subchapter to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 1428 of this title shall be limited (a) so that not more than 25 per centum of the funds actually appropriated by the Congress may be devoted to any single project (b) to 90 per centum of loan guarantee, and (c) with respect to all loans, to that degree of participation prudent under the circumstances of individual loans but directly related to the minimum essential participation necessary to accomplish the purposes of this subchapter: Provided, That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantees shall not be less than 25 per centum of the guarantee.


Codification

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

§ 1428c. Accounting procedures

The plan provided for in section 1428a of this title shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.


Codification

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

§ 1428d. Report for inclusion in annual report by Governor

The Governor of Guam shall include in the annual report to Congress required pursuant to section 1422 of this title a report on the administration of this subchapter.


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.


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 making Swains Island part of American Samoa, 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 eastern Samoa, was transferred to section 1661 of this title.

Section 1432, act June 28, 1906, ch. 3855, 34 Stat. 552, which related to acknowledgment of deeds in the is-
lands 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 and was subsequently repealed by Pub. L. 109–304, §19, Oct. 6, 2006, 120 Stat. 1710.

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 1662 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. 286, 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. 286, 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

Sec.
1451. Rights of Indians not impaired; boundaries.
1452. Regulation of Indians.
1453 to 1459–1. Repealed.
1459a. Congressional declaration of policy respecting "Insular Areas".
1459a–1. Full amounts to be covered into treasuries of Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands; reductions prohibited.
1459b. Auditing of transactions of Territorial and local governments.
1459c. Availability of services, facilities, and equipment of agencies and instrumentalities of the United States; reimbursement requirements.
1459d. General technical assistance.
1459e. Insular government purchases.
1470 to 1488. Repealed or Omitted.
1489. Loss of title of United States to lands in territories through adverse possession or prescription forbidden.
1490. Repealed.
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.
1492. Energy resources of Caribbean and Pacific insular areas.
1493. Prosecution; authorization to seek review; local or Federal appellate courts; decisions, judgments or orders.
1494. Purposes.

1494a. Annual reports to Congress.
1494b. Enforcement and administration in insular areas.
1494c. Drug Enforcement Agency personnel assignments.

CONDIFICATION

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.

EXECUTIVE ORDER NO. 13299


EX. ORD. NO. 13537, INTERAGENCY GROUP ON INSULAR AREAS

Ex. Ord. No. 13537, Apr. 14, 2010, 75 F.R. 20237, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Interagency Group on Insular Areas.

(a) There is established, within the Department of the Interior for administrative purposes, the Interagency Group on Insular Areas (IGIA) to address policies concerning Guam, American Samoa, the United States Pacific Islands, and the Commonwealth of the Northern Mariana Islands (Insular Areas).

(b) The IGIA shall consist of:
(i) the heads of the executive departments, as defined in 5 U.S.C. 101;
(ii) the heads of such other executive agencies as the Co-Chairs of the IGIA may designate; and (iii) the Deputy Assistant to the President and Director of Intergovernmental Affairs.

(c) The Secretary of the Interior and the Deputy Assistant to the President and Director of Intergovernmental Affairs shall serve as Co-Chairs of the IGIA, convene and preside at its meetings, direct its work, and establish such subgroups of the IGIA as they deem appropriate, consisting exclusively of members of the IGIA.

(d) Members of the IGIA may designate a senior department or agency official who is a full-time officer or employee of the Federal Government to perform their IGIA functions.

SIRC. 2. Functions of the IGIA. The IGIA shall:

(a) advise the President on establishment or implementation of policies concerning the Insular Areas;

(b) solicit information and advice concerning the Insular Areas from the Governors of, and other elected officials in, the Insular Areas (including through at least one meeting each year with any Governors of the Insular Areas who may wish to attend) in a manner that seeks their individual advice and does not involve collective judgment, or consensus advice or deliberation;

(c) solicit information and advice concerning the Insular Areas, as the IGIA determines appropriate, from representatives of entities or other individuals in a manner that seeks their individual advice and does not involve collective judgment, or consensus advice or deliberation;

(d) solicit information from executive departments or agencies for purposes of carrying out its mission; and
(e) at the request of the head of any executive department or agency who is a member of the IGIA, with the approval of the Co-Chairs, promptly review and provide advice on a policy or policy implementation action affecting the Insular Areas proposed by that department or agency.

Sinc. 3. Recommendations. The IGIA shall:
(a) submit annually to the President a report containing recommendations regarding the establishment or implementation of policies concerning the Insular Areas; and
(b) provide to the President, from time to time, as appropriate, recommendations concerning proposed or existing Federal programs and policies affecting the Insular Areas.

Sinc. 4. General Provisions.
(a) The heads of executive departments and agencies shall assist and provide information to the IGIA, consistent with applicable law, as may be necessary to carry out the functions of the IGIA. Each executive department and agency shall bear its own expenses of participating in the IGIA.
(b) Nothing in this order shall be construed to impair or otherwise affect:
(i) authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or
(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
(d) This order shall supersede Executive Order 12399 of May 8, 2003.
(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 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.


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, 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

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.


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, 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

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.


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 records, 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 18, 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.


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, 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, § 48, 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. § 1869, related to membership, quorum, and term of office of supreme court of every Territory.

Section 1464, act Apr. 7, 1874, ch. 89, § 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, § 462(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 transmission 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 (hereinafter 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.

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”.

§ 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, as amended [48 U.S.C. 121 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, referred to in text, is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, 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.

The Revised Organic Act of the Virgin Islands, referred to in text, is Pub. L. 99–177, Dec. 12, 1985, ch. 558, 99 Stat. 1469, 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 Tables.

The Puerto Rican Federal Relations Act, 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 Tables.

A budget for the fiscal year of any insular area, except any such budget which includes the expenses of a school district, shall be submitted to the Secretary of the Treasury, by the government of such insular area, at the time and in the manner prescribed by the Secretary, and shall include all the expenses of the government and corresponding agencies of such insular area, and shall be a part of the budgets of the government and corresponding agencies of the United States, and shall be submitted by such government, with such agencies, to the President, with the recommendation of such President, if any, as to their adequacy, and shall be subject to the approval of the President.


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.

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 (§1401 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 Tables.

The Revised Organic Act of the Virgin Islands, referred to in text, is Pub. L. 99–177, Dec. 12, 1985, ch. 558, 99 Stat. 1469, 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 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.


§ 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 used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31.


REFERENCES IN TEXT

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


§ 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 its 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 coopera-
tions 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.


CODIFICATION


AMENDMENTS


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.

§ 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.


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, 1665, and 1665, 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.


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. 951, 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:

June 16, 1955, ch. 147, title I, 69 Stat. 149.


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, §§ 1, 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, §§ 2, 24 Stat. 171, limited authority of Territorial legislature to contract any debt by or on behalf of such Territory to certain enumerated cases.


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. 483, 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.


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. 966, 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.”


Section 1482, R.S. § 1882, 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. § 1883, 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. § 1884, related to charging compensation and subsistence and employment expenses of offenders sentenced to imprisonment in such penitentiaries.

Section 1485, R.S. § 1885, related to imprisonment at cost of Territory in such penitentiaries of persons convicted for violation of laws of Territory.


**EFFECTIVE DATE OF REPEAL**

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


Section 1487, act June 22, 1941, 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.


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. 1368, § 1, 32 Stat. 881, 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.


**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.

§ 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;

(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) of this section reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, opportunities for energy conservation and increased energy efficiency, and indigenous sources in regard to the insular areas.

(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, hydro-

power, 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) Updating of plans; submission to Congress

(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the head of government of each insular area, shall update the plans required under subsection (c) of this section by—

(A) updating the contents required by subsection (c) of this section;

(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2012, increasing energy conservation and energy efficiency, and maximizing, to the extent feasible, use of indigenous energy sources; and

(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

(2) In carrying out this subsection, the Secretary of Energy shall identify and evaluate the strategies or projects with the greatest potential for reducing the dependence on imported fossil fuels as used for the generation of electricity, including strategies and projects for—

(A) improved supply-side efficiency of centralized electrical generation, transmission, and distribution systems;

(B) improved demand-side management through—

(i) the application of established standards for energy efficiency for appliances;

(ii) the conduct of energy audits for business and industrial customers; and

(iii) the use of energy savings performance contracts;

(C) increased use of renewable energy, including—

(i) solar thermal energy for electric generation;

(ii) solar thermal energy for water heating in large buildings, such as hotels, hospitals, government buildings, and residences;
(iii) photovoltaic energy;
(iv) wind energy;
(v) hydroelectric energy;
(vi) wave energy;
(vii) energy from ocean thermal resources, including ocean thermal-cooling for community air conditioning;
(viii) water vapor condensation for the production of potable water;
(ix) fossil fuel and renewable hybrid electrical generation systems; and
(x) other strategies or projects that the Secretary may identify as having significant potential; and

(D) fuel substitution and minimization with indigenous biofuels, such as coconut oil.

(3) In carrying out this subsection, for each insular area with a significant need for distributed generation, the Secretary of Energy shall identify and evaluate the most promising strategies and projects described in subparagraphs (C) and (D) of paragraph (2) for meeting that need.

(4) In assessing the potential of any strategy or project under paragraphs (2) and (3), the Secretary of Energy shall consider—

(A) the estimated cost of the power or energy to be produced, including—

(i) any additional costs associated with the distribution of the generation; and

(ii) the long-term availability of the generation source;

(B) the capacity of the local electrical utility to manage, operate, and maintain any project that may be undertaken; and

(C) other factors the Secretary of Energy considers to be appropriate.

(5) Not later than 1 year after August 8, 2005, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, the updated plans for each insular area required by this subsection.

(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) POWER LINE GRANTS FOR INSULAR AREAS.—

(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of insular areas of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such insular areas from damage caused by hurricanes and typhoons.

(B) ELIGIBLE PROJECTS.—The Secretary of the Interior may award grants under subparagraph (A) only to governments of insular areas of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

(i) The project is designed to protect electric power transmission and distribution lines located in 1 or more of the insular areas of the United States from damage caused by hurricanes and typhoons.

(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

(iii) The project addresses 1 or more problems that have been repetitive or that pose a significant risk to public health and safety.

(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost-benefit analysis required by this criterion shall be computed on a net present value basis.

(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

(C) PRIORITY.—When making grants under this paragraph, the Secretary of the Interior shall give priority to grants for projects which are likely to—

(i) have the greatest impact on reducing future disaster losses; and

(ii) best conform with plans that have been approved by the Federal Government or the government of the insular area where the
§ 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; or

(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.

(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.

The prosecution in a territory or Commonwealth 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; or

(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.

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

This title may be cited as the “Island Areas Drug Abuse Amendments of 1988.”

References in Text

August 8, 2005, referred to in subsec. (e)(5) and (g)(4)(F), was in the original “the date of enactment of this subsection” and “the date of enactment of this paragraph”, respectively, and was translated as meaning the date of enactment of Pub. L. 109–58 which amended subsec. (e) and (g)(4) generally, to reflect the probable intent of Congress.

Amendments


Change of Name

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.
1494b of this title] may be cited as the ‘United States Insular Areas Drug Abuse Act of 1986’.

§ 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.


AMENDMENTS


1988—Pub. L. 100–690 redesignated 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).

§ 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.


REFERENCES IN TEXT


Sections 1492 to 1494 of this title, referred to in subsecs. (a)(2), (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 1492 to 1494 of this title” for “this subsection”. Subsec. (a)(4). Pub. L. 100–690, §9302(3), added subsec. (a)(4) of this section.

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 1492 to 1494 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 subsec. (b)(3) of this section.

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 1492 to 1494 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 1492 to 1494 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) $3,450,000 for the purchase of an aircraft; and 
“(C) $1,000,000 for the maintenance and purchase 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 1492 to 1494 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, 
(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). Pub. L. 100–690, §9306(b)(4), added pars. (4) and (5).


TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 22, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 406(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related
§ 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.


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.


CODIFICATION
Section was formerly classified to section 72 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.


CODIFICATION
Section was formerly classified to section 73 of Title 8, Aliens and Nationality.

§ 1503. Acquisition by inheritance, in collection of debts, etc.

This chapter shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured. All lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as provided in sections 1504 to 1507 of this title.


CODIFICATION
Section was formerly classified to section 74 of Title 8, Aliens and Nationality.

§ 1504. Conveyance of lands in Territories by aliens before escheat proceedings

Any alien who shall hold lands in any of the Territories of the United States in contravention of the provisions of this chapter may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided. If any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this chapter, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.


CODIFICATION
Section was formerly classified to section 75 of Title 8, Aliens and Nationality.
§ 1505. Proceedings for escheat of improperly held lands

It shall be the duty of the Attorney General of the United States, when he shall be informed or have reason to believe that lands in any of the Territories of the United States are being held contrary to the provisions of this chapter, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States. Before any such suit is instituted the Attorney General shall give or cause to be given ninety days’ notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice cannot be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county.

(Mar. 3, 1887, ch. 340, §5, as added Mar. 2, 1897, ch. 363, 29 Stat. 619.)

CODIFICATION
Section was formerly classified to section 75 of Title 8, Aliens and Nationality.

§ 1506. Condemnation and sale of lands in escheat proceedings

If it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this chapter, the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory. The defendant in any such escheat proceedings may, at any time before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this chapter, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

(Mar. 3, 1887, ch. 340, §6, as added Mar. 2, 1897, ch. 363, 29 Stat. 619.)

CODIFICATION
Section was formerly classified to section 76 of Title 8, Aliens and Nationality.

§ 1507. Public lands

This chapter shall not in any manner be construed to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States.


CODIFICATION
Act Feb. 23, 1905, set out as section 1508 of this title, made sections 1501 to 1507 of this title applicable to the District of Columbia, on the basis of which certain provisions of this section were omitted.

Section was formerly classified to section 77 of Title 8, Aliens and Nationality.

§ 1508. Application to District of Columbia

Aliens shall have the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred upon aliens in respect of real estate in the Territories of the United States by this chapter.

(Feb. 23, 1905, ch. 733, §1, 33 Stat. 733.)

CODIFICATION
Section was formerly classified to section 78 of Title 8, Aliens and Nationality.

Section was not enacted as part of act Mar. 3, 1887, ch. 340, 24 Stat. 476, which comprises this chapter.

REPEALS
Section 2 of act Feb. 23, 1905, repealed all laws and parts of laws so far as they conflict with the provisions of this section.

§§ 1509 to 1512. Omitted

CODIFICATION
Sections 1509 to 1512, relating to Territory of Hawaii, were omitted in view of the admission of Hawaii into the Union. Sections were formerly classified to sections 83 to 86 of Title 8, Aliens and Nationality.

Section 1509, acts Apr. 30, 1900, ch. 339, §73(g), 31 Stat. 194; May 27, 1910, ch. 238, §§3, 36 Stat. 444; July 9, 1921, ch. 42, §304, 42 Stat. 117, set out requirements for aliens who would be entitled to receive any certificate of occupancy, right of purchase, cash freehold agreement, or special homestead agreement in public lands in Hawaii. Section was also classified to section 607 of this title.

Section 1510, acts Apr. 30, 1900, ch. 339, §73(g), 31 Stat. 194; May 27, 1910, ch. 238, §§3, 36 Stat. 444; July 9, 1921, ch. 42, §304, 42 Stat. 117, restricted conveyance or other transfer of public lands in Hawaii to aliens. Section was also classified to section 688 of this title.

Section 1511, acts Apr. 30, 1900, ch. 338, §73(i), 31 Stat. 194; May 27, 1910, ch. 238, §§3, 36 Stat. 444; July 9, 1921, ch. 42, §306, 42 Stat. 118, gave commissioner, with approval of governor, the right to give preferences in purchasing of public lands. Section was also classified to section 671 of this title.

Section 1512, acts Apr. 30, 1900, ch. 339, §73(l), 31 Stat. 194; May 27, 1910, ch. 238, §§3, 36 Stat. 444; July 9, 1921, ch. 42, §308, 42 Stat. 118, authorized sale of agricultural land in Hawaii for residential purposes to persons declaring intention to become citizens. Section was also classified to section 673 of this title.
CHAPTER 12—VIRGIN ISLANDS

SUBCHAPTER I—GENERAL PROVISIONS

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1641. Method of payment of official salaries.
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1642a. Availability of collected customs duties for expenditures as Legislature may provide.
1643. Import provisions with respect to trademarks.
1644. Import duties on articles entering United States or possessions from Virgin Islands.
1645. Remittance of duties, taxes, and fees to be collected in next fiscal year; authorization, prerequisites, amount, etc.

CONSTITUTIONS FOR VIRGIN ISLANDS AND GUAM: ESTABLISHMENT; CONGRESSIONAL AUTHORIZATION

PUB. L. 94–584, OCT. 21, 1976, 90 STAT. 2899, AS AMENDED

"S 1. Authorization to organize governments [Oct. 21, 1976]:"

"(a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

"(b) Such constitutions shall:

"(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act [section 1405 et seq. of this title] and Revised Organic Act of the Virgin Islands (this chapter) and the Organic Act of Guam (section 1421 et seq. of this title) which do not relate to local self-government.

"(2) provide for a republican form of government, consisting of three branches: executive, legislative, and judicial;

"(3) contain a bill of rights;

"(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, and the Organic Act of Guam, as amended, respectively, which relate to local self-government;

"(5) with reference to Guam, provided that the voting franchise may be vested only in residents of Guam who are citizens of the United States.

"(6) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended; and

"(7) provide for the establishment of a system of local courts the provisions of which shall become effective no sooner than upon the enactment of legislation regulating the relationship between the local courts of Guam with the Federal judicial system.

"SEC. 3. [Selection and qualification of members] The members of such constitutional conventions shall be chosen as provided by the laws of the Virgin Islands and Guam, respectively (enacted after the date of enactment of this Act [Oct. 21, 1976]): Provided, however, That no person shall be eligible to be a member of the constitutional conventions, unless he is a citizen of the United States and qualified to vote in the Virgin Islands and Guam, respectively.

"SEC. 4. [Submittal of proposed constitutions to governors and President] The conventions shall submit to the Governor of the Virgin Islands a proposed constitution for the Virgin Islands and to the Governor of Guam a proposed constitution for Guam which shall comply with the requirements set forth in section 2(b) above. Such constitutions shall be submitted to the President of the United States by the Governors of the Virgin Islands and Guam.

"SEC. 9. [Advisory commission] The President, by the Secretary of the Interior, shall appoint an advisory commission to the constitutional conventions, consisting of individuals experienced in the field of government and public affairs, to advise them through their executive and legislative committees, respectively, in the preparation of their proposed constitutions, and to provide such conventions with such other assistance as the President may determine is necessary. The President may also appoint such other individuals to serve as special consultants to the conventions. Such conventions shall be entitled to the advice of such advisory commission and special consultants, but the commission and consultants shall not participate in the deliberations of the conventions except as otherwise provided by law.

"SEC. 10. [Approval of constitutions] The President shall approve or disapprove the proposed constitution of the Virgin Islands within thirty days after receipt thereof, and the President shall notify the Governor of Guam of his approval or disapproval of the proposed constitution of Guam within thirty days after receipt thereof. The President may approve any proposed constitution in whole or in part, and he may disapprove any proposed constitution in whole or in part. The President may, upon his own initiative, propose any changes that he deems necessary.

"SEC. 11. [Provisional government] Pending the approval of the proposed constitution by the President, the Governor of the Virgin Islands and the Governor of Guam shall continue to function as the governor of the Virgin Islands and the governor of Guam, respectively, under the constitution, laws, and executive orders now in effect. Any acts of the Governor of the Virgin Islands and the Governor of Guam shall be subject to the disapproval of the President, and the President may veto any acts of either the Governor of the Virgin Islands or the Governor of Guam, with the same effect as if passed by the Congress and signed by the President.
“SEC. 5. [Transmittal to Congress and submittal to voters] (a) Within sixty calendar days after the respective date on which he has received each constitution, the President shall transmit such constitution together with his comments to the Congress.

“(b) The constitution, in each case, shall be deemed to have been approved by the Congress within sixty legislative days after its submission by the President, unless prior to that date the Congress has approved the constitution, or modified or amended it, in whole or in part, or has urged the constitutional convention to reconvene, by joint resolution.

“(c) REVISION OF PROPOSED CONSTITUTION.—

“(1) IN GENERAL.—If a convention reconvenes and revises the proposed constitution, the convention shall resubmit the revised proposed constitution simultaneously to the Governor of the Virgin Islands and the President.

“(2) COMMENTS OF PRESIDENT.—Not later than sixty calendar days after the date of receipt of the revised proposed constitution, the President shall—

“A. notify the convention, the Governor, and Congress of the comments of the President on the revised proposed constitution; and

“(B) publish the comments in the Federal Register.

“(d) As so approved or modified under subsection (b) (or, if revised pursuant to subsection (c), on publication of the comments of the President in the Federal Register), the constitutions shall be submitted to the qualified voters of the Virgin Islands and Guam, respectively, for acceptance or rejection through islandwide referendums to be conducted as provided under the laws of the Virgin Islands and Guam, respectively, (enacted after the date of enactment of this Act) (Oct. 21, 1976).

“(e) Upon approval by not less than a majority of the votes (counting only the affirmative or negative votes) participating in such referendums, the constitutions shall become effective in accordance with their terms.

“[Pub. L. 94–394 is also set out as a note preceding section 1391 of this title.]"

SUBCHAPTER I—GENERAL PROVISIONS

§ 1541. Organization and status

(a) Composition and territorial designation

The provisions of this chapter and the name "Virgin Islands" as used in this chapter, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States by cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are declared an unincorporated territory of the United States of America.

(b) Powers and legal status of government; capital and seat of government

The government of the Virgin Islands shall have the powers set forth in this chapter and shall have the right to sue by such name and in cases arising out of contract, to be sued: Provided, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by subchapter III of this chapter.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

(c) Administrative supervision by Secretary of the Interior

The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior.


REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this Act”, meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which enacted this chapter, amended sections 104 and 111 of Title 21, Food and Drugs, and section 3350 of former Title 26, Internal Revenue Code (see section 7652(b)(3) of Title 26), and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Short Title note below and Tables.

AMENDMENTS


EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90–496, effective Jan. 4, 1971, see section 16 of Pub. L. 90–496, set out as a note under section 1391 of this title.

EFFECTIVE DATE

Section 34 of act July 22, 1954, provided: “This Act [see Short Title note below] shall take effect upon its approval [July 22, 1954], but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment [July 22, 1954].”

SHORT TITLE OF 1968 AMENDMENT

Section 17 of Pub. L. 90–496 provided that: “This Act [enacting this section and sections 1561, 1572, 1573, 1574, 1575, 1591, 1593, 1595, 1597, 1599, and 1641 of this title, repealing sections 1594, 1596, and 1532 of this title, and enacting provisions set out as notes under section 1391 of this title] may be cited as the ‘Virgin Islands Elective Governor Act’.”

SHORT TITLE OF 1959 AMENDMENT


SHORT TITLE

Section 1 of act July 22, 1954, provided: “This Act [enacting this chapter, amending sections 104 and 111 of Title 21, Food and Drugs, and sections 3350 of former Title 26, Internal Revenue Code (see section 7652(b)(3) of Title 26), and enacting provisions set out as notes under this section] may be cited as the ‘Revised Organic Act of the Virgin Islands’.”

SEPARABILITY

Section 36 of act July 22, 1954, provided: “If any clause, sentence, paragraph, or part of this Act [see
§ 1542. Voting franchise; discrimination prohibited

(a) The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: Provided, however, That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose.


AMENDMENTS
1970—Pub. L. 91–460 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1543. United States citizenship requirement for government officials

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.


AMENDMENTS
1983—Pub. L. 98–213 amended section generally, substituting provisions requiring United States citizenship for all members of the Legislature of the Virgin Islands, the Governor, Lieutenant Governor and all officials who report directly to the Governor for provisions requiring such citizenship for all officers of the Virgin Islands, and struck out provisions requiring written oaths and prescribing the oath.

§ 1544. Reports by Governor; jurisdiction of Secretary of the Interior; exceptions

All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on July 22, 1954 are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on July 22, 1954 are under the supervision of the Attorney General.

(July 22, 1954, ch. 558, § 30, 68 Stat. 509.)

§ 1545. Lease and sale of public property; conveyance of title in certain lands to the government of Virgin Islands

(a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b)(1) All right, title, and interest of the United States in the property placed under the control of the government of the Virgin Islands by section 1405c(a) of this title, not reserved to the United States by the Secretary of the Interior within one hundred and twenty days after October 5, 1974, is hereby conveyed to such government.

(2) Subject to valid existing rights, title to all property in the Virgin Islands which may have been acquired by the United States from Denmark under the Convention entered into August 16, 1916, not reserved or retained by the United States in accordance with the provisions of Public Law 93–435 (88 Stat. 1210) is hereby transferred to the Virgin Islands government.


REFERENCES IN TEXT

AMENDMENTS
1980—Subsec. (b). Pub. L. 96–205 designated existing provisions as par. (1) and added par. (2).

1974—Subsec. (b). Pub. L. 93–435 substituted provisions conveying to the government of Virgin Islands title in lands now under its control with power to the Secretary of the Interior to reserve rights to the United States within 120 days after Oct. 5, 1974, with the exception of land and property being administered by the Secretary of the Interior as part of the National Park System, for provisions that the government of Virgin Islands shall continue to have control over all public property under its control on July 22, 1954.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY
Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.
§ 1546. Authorization of appropriations

There are authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter.

(July 22, 1954, ch. 558, § 3, 68 Stat. 510.)

SUBCHAPTER II—BILL OF RIGHTS

§ 1561. Rights and prohibitions

No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy, and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No person shall be held to answer for a crime whereof he shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this chapter shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

No political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands.

The following provisions of and amendments to the Constitution of the United States are hereby extended to the Virgin Islands to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; article VI, clause 3; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments: Provided, however, That all offenses against the laws of the United States and the laws of the Virgin Islands which are prosecuted in the district court pursuant to sections 1612(a) and (c) of this title may be had by indictment by grand jury or by information, and that all offenses against the laws of the Virgin Islands which are prosecuted in the district court pursuant to section 1612(b) of this title or in the courts established by local law shall continue to be prosecuted by information, except such as may be required by local law to be prosecuted by indictment by grand jury.

All laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.

(July 22, 1954, ch. 558, § 497, as amended, known as the Revised Organic Act of

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of

1So in original. Probably should be "assemble".

2So in original. Probably should be "section".
the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1941 of this title and Tables.

AMENDMENTS

1964—Pub. L. 88–454 substituted provisions to the effect that offenses prosecuted under section 1612(a) and (c) of this title shall be prosecuted by indictment or information while those prosecuted under section 1612(b) of this title shall be prosecuted by information only, for provisions which provided that all prosecutions would be by information except where provided otherwise by local laws in the proviso in penultimate paragraph.


1968—Pub. L. 90–496 inserted provisions extending to the Virgin Islands the enumerated provisions of and amendments to the Constitution of the United States, and provisions repealing, to the extent of any inconsistency, all laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this section.

1958—Pub. L. 85–851 prohibited political or religious test but required loyalty oath as qualification to any office or public trust.

EFFECTIVE DATE OF 1984 AMENDMENT

EFFECTIVE DATE OF 1968 AMENDMENT
Section 11 of Pub. L. 90–496 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–496, which was approved Aug. 23, 1968.

SUBCHAPTER III—LEGISLATIVE BRANCH

§ 1571. Legislature

(a) Designation and unicameral character

The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the “Legislature of the Virgin Islands”, herein referred to as the legislature.

(b) Composition; legislative districts; method of elections

The legislature shall be composed of members to be known as senators. The number of such senators shall be determined by the laws of the Virgin Islands. The apportionment of the legislature shall be as provided by the laws of the Virgin Islands: Provided, That such apportionment shall not deny to any person in the Virgin Islands the equal protection of the law: And provided further, That every voter in any district election or at large election shall be permitted to vote for the whole number of persons to be elected in that district election or at large election as the case may be. Until the legislature shall provide otherwise, four members shall be elected at large, five shall be elected from the District of Saint Thomas, five from the District of Saint Croix, and one from the District of Saint John, as those Districts were constituted on July 22, 1954.


AMENDMENTS


1966—Subsec. (b). Pub. L. 89–548 raised from eleven to fifteen the total number of senators in the legislature, substituted provision that the legislature be apportioned according to the laws of the Virgin Islands for provisions spelling out the division of the Virgin Islands into districts, the composition of each such district, and the district and at-large representation breakdown of the senators in the legislature, struck out provision for the casting of a ballot for two candidates by each elector in at-large elections and the drawing of lots to determine placement on the ballot in at-large elections, prohibited apportionment in a way which would deny equal protection of the law, and provided for temporary apportionment until the legislature provided otherwise from the districts as constituted on July 22, 1954.

EFFECTIVE DATE OF 1966 AMENDMENT
Section 2 of Pub. L. 89–548 provided that: “This Act [amending this section] shall be effective with respect to the legislature to be elected at the regular general election in November 1966, and thereafter.”

§ 1572. Legislators

(a) Terms of office

The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in January following his election: Provided, however, That the term of office of each member elected in November 1958 shall commence on the second Monday in April 1959 and shall continue until the second Monday in April 1961, and the term of office of each member elected in November 1960 shall commence on the second Monday in April 1961 and continue until the second Monday in January 1963.

(b) Qualifications of members

No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-one years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) Appointment of electoral officers; popular election of members of boards of election

All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct: Provided, however, That members of boards of elections, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.

(d) Immunity of members

No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except
treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Compensation and allowances

Each member of the legislature shall be paid such compensation and shall receive such additional allowances or benefits as may be fixed under the laws of the Virgin Islands. Such compensation, allowances, or benefits, together with all other legislative expenses, shall be appropriated by, and paid out of funds of, the government of the Virgin Islands.

(f) Limitations on holding other office

No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) General powers; parliamentary rules

The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes, inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpens to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on July 22, 1954 shall continue in force and effect for sessions of the legislature, except as inconsistent with this chapter, until altered, amended, or repealed by the legislature.

(h) Vacancies


REFERENCES IN TEXT

This chapter, referred to in subsec. (g), was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1591 of this title.

AMENDMENTS

1973—Subsec. (b). Pub. L. 93–130 substituted provision authorizing the Legislature of Virgin Islands to provide by law the procedure for filling vacancies in the membership of the Legislature, for provisions authorizing the Governor of the Virgin Islands to fill any such vacancy by appointment of resident of the district from which the member whose office became vacant was elected if the vacancy is that of a Senator and of resident of any part of Virgin Islands if the vacancy is that of a Senator at large, and that such appointee shall serve for the remainder of the unexpired term.

1968—Subsec. (c). Pub. L. 90–496 inserted proviso requiring members of boards of elections, duly organized by the government, to be popularly elected.

1965—Subsec. (e). Pub. L. 89–98 substituted provisions empowering the government of the Virgin Islands to fix and pay legislative salaries and expenses for provisions which specifically fixed these salaries and expenses and which required the United States Government to pay them.


Subsec. (e). Pub. L. 86–289, §2(b), changed the date of payment of salaries, increased the per diem from $10 to $20, and provided that the per diem paid to members of the legislature for official travel outside the Virgin Islands should not be at rates in excess of those paid Federal Government employees.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 2 of Pub. L. 93–130 provided that: "The amendment made by the first section of this Act (amending this section) shall apply with respect to vacancies occurring on or after the date of enactment of this Act (Oct. 19, 1973)."

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90–496, effective Jan. 4, 1971, see section 16 of Pub. L. 90–496, set out as a note under section 1591 of this title.

§ 1573. Time, frequency, and duration of regular sessions; special sessions; place of holding

(a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.


AMENDMENTS

1968—Subsec. (a). Pub. L. 90–496 substituted provisions that regular sessions of the legislature shall continue for such term as the legislature may provide for provisions that regular sessions shall continue for not more than sixty consecutive calendar days in any calendar year, with the proviso that the regular annual session for 1959, 1960, and 1961 shall commence on the second Monday in April and shall continue for not more than sixty consecutive calendar days, struck out provisions that any special session called by the Governor shall continue for not more than fifteen calendar days, with the aggregate of any such special sessions during
§ 1574. Legislative powers and activities

(a) Scope of authority; limitation on enactments and taxation

The legislative authority and power of the Virgin Islands shall extend to all rightful subjects of legislation not inconsistent with this chapter or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

(b) Government bonds; maximum amount; sale, interest, etc.

(i) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a public improvement or public undertaking authorized by an act of the legislature. Such bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such public improvement, public undertaking, or other project. Bonds issued pursuant to paragraph (i) may bear such date or amount and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the legislature of the government of the Virgin Islands. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature. All bonds issued by the government of the Virgin Islands, including specifically interest thereon, shall be exempt from taxation by the Government of the United States, or by the government of the Virgin Islands or any political subdivision thereof, or by any State, territory, or possession or by any political subdivision of any State, territory, or possession, or by the District of Columbia.

(B) Bonds or other obligations issued pursuant to this paragraph (ii) shall not be a debt of the United States, nor shall the United States be liable thereon.

(iii)(A) The legislature of the government of the Virgin Islands may cause to be issued after September 30, 1984, industrial development bonds (within the meaning of section 103(b)(2)1 of title 26).

(B) Except as provided in subparagraph (C), any obligation issued under subparagraph (A) and the income from such obligation shall be exempt from all State and local taxation in effect on or after October 1, 1984.

(C) Any obligation issued under subparagraph (A) shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

(D) For purposes of this paragraph—

(I) The term “State” includes the District of Columbia.

(II) The taxes imposed by counties, municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.

1 See References in Text note below.
(E) For exclusion of interest for purposes of Federal income taxation, see section 103(b)(2), which prior to the general amendment defined industrial development bond, relates to the applicability of the interest exclusion to arbitrage bonds.

Act of June 22, 1936 (49 Stat. 1987), referred to in subsec. (c), is act June 22, 1936, ch. 699, 49 Stat. 1807, as amended, known as the Organic Act of the Virgin Islands of the United States, which is classified generally to subchapter II (§1405 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1406m of this title and Tables.

AMENDMENTS

1999—Subsec. (b)(1)(A). Pub. L. 106–84, § 1(a), (b)(1), (2), inserted “... including but not limited to notes in anticipation of the collection of taxes or revenues,” after “... evidence of indebtedness”, substituted for “any public purpose authorized by the legislature: Provided, That no such” for “to construct, improve, extend, better, repair, reconstruct, acquire, and equip hospitals, schools, libraries, gymnasia, athletic fields, sewers, sewage-disposal plants, and water systems: Provided, That no public”, and struck out “and payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest” after “specified by the legislature”.

Subsec. (b)(1)(B), (C). Pub. L. 106–84, § 1(b)(1), (2), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: “The proceeds of the bond issues or other obligations herein authorized shall be expended only for the public improvements set forth in the preceding subparagraph, or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress.”


1984—Subsec. (b)(1), (iii). Pub. L. 98–454 struck out “shall be sold at public sale and” before “may be redeemable” in fourth sentence of par. (i) and added par. (iii).

1982—Subsec. (d). Pub. L. 97–357 struck out subsec. (d) which authorized the President of the United States to appoint a commission of seven persons, at least three of whom were residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to Congress within twelve months after July 22, 1984, as to which statutes of the United States not applicable to the Virgin Islands and which statutes of the United States applicable to the Virgin Islands on that date should be declared inapplicable, and provided compensation of this commission.

Subsec. (e). Pub. L. 97–357 struck out subsec. (e) which related to arrangements by the Secretary of the Interior for the preparation of a code of laws of the Virgin Islands.


1968—Subsec. (b)(1). Pub. L. 90–496 struck out the provisions that the total amount of revenue bonds which may be issued and outstanding for all improvements and undertakings at any one time shall not be in excess of $30,000,000, exclusive of all bonds and undertakings held by the United States as a result of a sale of real or personal property to the government of the Virgin Islands, and with not more than $10,000,000 of such bonds or obligations to be outstanding at any one time for public improvements or public undertakings other than water or power projects, and substituted provisions that the bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually, for provisions that the bonds so issued shall bear interest at a rate not to exceed 5% per annum, payable semiannually, and that all such bonds shall be sold for not less than the principal amount thereof plus accrued interest.

1966—Subsec. (b)(1). Pub. L. 89–643 increased the borrowing authority of the Virgin Islands by striking out

REFERENCES IN TEXT

Section 103, referred to in subsec. (b)(ii)(A), which relates to interest on certain governmental obligations was amended generally by Pub. L. 99–514, title XIII, §1301(a), Oct. 22, 1986, 100 Stat. 2602, and as so amended relates to interest on State and local bonds. Section 103(b)(2), which prior to the general amendment defined industrial development bond, relates to the applicability of the interest exclusion to arbitrage bonds.

Act of June 22, 1936 (49 Stat. 1987), referred to in subsec. (c), is act June 22, 1936, ch. 699, 49 Stat. 1807, as amended, known as the Organic Act of the Virgin Islands of the United States, which is classified generally to subchapter II (§1405 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1406m of this title and Tables.
limiting provisions so as to require only that the object of a bond issue be a public improvement or undertaking authorized by the legislature as opposed to previous requirement of a legislative authorization for specific improvements and legislative findings of need, substituted provisions authorizing the issuance of bonds that are nonreredeemable or redeemable (either with or without premium) for provisions requiring that bonds be redeemable after five years without premium, raised the limitation on total amount of outstanding bonds from a flat limitation of $10,000,000 to $30,000,000 exclusive of all bonds or obligations which are held by the Government of the United States as a result of a sale of real or personal property to the government of the Virgin Islands, and inserted requirement that not to exceed $10,000,000 of the bonds or obligations may be outstanding at any one time for public improvement or public undertakings other than water or power projects.

1968—Subsec. (b). Pub. L. 88–180 redesignated existing provisions as par. (i), struck out "The legislature shall have no power to incur any indebtedness which may be a general obligation of said government", and added par. (ii).


§ 1574–1. Applicability of laws referred to in section 502(a)(1) of Covenant to Establish a Commonwealth of the Northern Mariana Islands

Effective on the date when section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution on March 24, 1976 (90 Stat. 263) goes into force those laws which are referred to in section 502(a)(1) of said Covenant, except for any laws administered by the Social Security Administration, except for medicaid which is now administered by the Centers for Medicare & Medicaid Services, and except the Micronesian Claims Act of 1971 (85 Stat. 96) shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands.


REFERENCES IN TEXT

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 contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title. For Jan. 9, 1978, as the date section 502 of the Covenant came into force, see Proc. No. 4534, § 2, set out as a note under section 1801 of this title.

The joint resolution approved on March 24, 1976, referred to in text, is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I of chapter 1 (§1801 et seq.) of chapter 17 of this title. For complete classification of this Act to the Code, see Tables.

The Micronesian Claims Act of 1971, referred to in text, is Pub. L. 92–29, July 1, 1971, 85 Stat. 92, as amended, which was classified generally to section 2018 et seq. of Title 50, Appendix, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

CODIFICATION

Section is also classified to section 1421q–1 of this title.

Section was formerly set out as a note under section 1681 of this title.

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

AMENDMENTS


1977—Pub. L. 95–135 amended section generally. Prior to amendment, section read as follows: "Effective on October 15, 1977, those laws, except for any laws administered by the Social Security Administration and except for medicaid which is now administered by the
Health Care Financing Administration, which are referred to in section 502(a)(1) (except for the reference to the Micronesian Claims Act of 1971 (85 Stat. 36) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24, 1976 (90 Stat. 263), and 502(a)(2) of said Covenant shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Commonwealth of the Northern Mariana Islands.

**Effective Date of 1977 Amendment**


§ 1574a. Revenue bonds or other obligations

(a) Authorization for issuance; use of proceeds; legislative initiative and binding referendum vote

In addition to the authority conferred by section 1574(b) of this title, the legislature of the government of the Virgin Islands is authorized to cause to be issued bonds or other obligations of such government in anticipation of revenues to be received under section 7652(b)(3) of title 26. The proceeds of such bonds or other obligations may be used for any purpose authorized by an act of the legislature. The legislature of the government of the Virgin Islands may initiate, by majority vote of the members, a binding referendum vote to approve or disapprove the amount of any such bond or other obligation and/or any purpose for which such bond or other obligation is authorized.

(b) Federal guarantee

The legislature of the government of the Virgin Islands may provide, in connection with any issue of bonds or other obligations authorized to be issued under subsection (a) of this section the proceeds of which are to be used for public works or other capital projects, that a guarantee of such bonds or obligations by the United States shall be applied for under section 1574b of this title.

(c) Limitations on issuance

Except to the extent inconsistent with the provisions of this Act, the provisions of section 1574(b)(ii) of this title (other than the limitation contained in the proviso to the first sentence of subparagraph (A)) shall apply to bonds and other obligations authorized to be issued under subsection (a) of this section.


**References in Text**

This Act, referred to in subsec. (c), is Pub. L. 94–392, Aug. 19, 1976, 90 Stat. 1193, as amended, which enacted sections 1574a to 1574d of this title, amended section 1397 of this title, and enacted a provision set out as a note below. For complete classification of this Act to the Code, see Tables.

**Codification**

In subsec. (a), “section 7652(b)(3) of title 26” substituted for “section 23(b) of such Act (26 U.S.C. 7652)”, meaning section 23(b) of the Revised Organic Act of the Virgin Islands (68 Stat. 508), which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(b) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 shall be deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

**Amendments**

1999—Subsec. (d). Pub. L. 106–84 struck out subsec. (d) which read as follows: “The legislature of the Government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid.”


**Authorization of Appropriations**

Section 6 of Pub. L. 94–392 provided that: “There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act (enacting this section and sections 1574b to 1574d of this title and amending section 1397 of this title.).”

§ 1574b. Federal guarantee for issuance of revenue bonds or other obligations

(a) Application to Secretary of the Interior; contents

When authorized under subsection (b) of section 1574a of this title, the government of the Virgin Islands may apply to the Secretary of the Interior (hereinafter referred to as the ‘‘Secretary’’) for a guarantee of any issue of bonds or other obligations authorized to be issued under subsection (a) of section 1574a of this title. Any such application shall contain such information as the Secretary may prescribe.

(b) Terms and conditions of guarantee or commitment to guarantee; determination by Secretary of approval

The Secretary is authorized, with the approval of the Secretary of the Treasury, to guarantee and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal and interest on bonds and other obligations issued by the government of the Virgin Islands under subsection (a) of section 1574a of this title. No guarantee or commitment to guarantee shall be made unless the Secretary determines—

(1) that the proceeds of such issue will be used only for public works or other capital projects, 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;

(2) taking into account anticipated expenditures by the government of the Virgin Islands while the bonds or other obligations forming a part of such issue will be outstanding, all outstanding obligations of the government of the Virgin Islands which will mature while the
bonds or other obligations forming a part of such issue will be outstanding, and such other factors as he deems pertinent, that the revenues expected to be received under section 7652(b)(3) of title 26 will be sufficient to pay the principal of, and interest on, the bonds or other obligations forming a part of such issue; (3) that credit is not otherwise available on reasonable terms and conditions and that there is reasonable assurance of repayment, and (4) that the maturity of any obligations to be guaranteed does not exceed thirty years or 90 per centum of the useful life of the physical assets to be financed by the obligation, whichever is less as determined by the Secretary.

(c) Administrative costs; deposit of fees
The Secretary shall charge and collect fees in amounts sufficient in his judgment to cover the costs of administering this section. Fees collected under this subsection shall be deposited in the revolving fund created under subsection (g) of this section.

(d) Conclusiveness and incontestability; pledge of full faith and credit
Any guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of the holder of the guaranteed obligation. Such guarantee shall constitute a pledge of the full faith and credit of the United States for such obligation.

(e) Interest on guaranteed obligations taxable
The interest on any obligation guaranteed under this section shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.].

(f) Maximum amount guaranteed; time limitations on commitments to guarantee, obligation of guaranteed but unobligated funds, and repayment of unobligated proceeds of bonds or other obligations
The aggregate principal amount of obligations which may be guaranteed under this Act shall not exceed $301,600,000. No commitment to guarantee may be issued by the Secretary, and no guaranteed but unobligated funds may be obligated by the government of the Virgin Islands pursuant to this section shall be repaid immediately by the government of the Virgin Islands to the lenders with the agreed upon interest. Should there be any delay in the government of the Virgin Islands’ making such repayment, the Secretary shall deduct the requisite amounts from moneys under his control that would otherwise be paid to the government of the Virgin Islands under section 7652(b)(3) of title 26.

(g) Revolving fund; establishment; submission of budget to Congress; payments; transfers from fund to general fund of Treasury; issuance and sale of notes or other obligations for guarantees
(1) There is hereby created within the Treasury a separate fund (hereinafter referred to as “the fund”) which shall be available to the Secretary without fiscal year limitation as revolving fund for the purpose of this Act. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 9103 and 9104 of title 31) for wholly owned Government corporations.

(2) All expenses, including reimbursements to other government accounts, and payments pursuant to operations of the Secretary under this Act shall be paid from the fund. If at any time the Secretary determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

(3) If at any time the moneys available in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued under this Act, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations which are hereby authorized for this purpose. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31 and the purposes for which securities may be issued under that chapter are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.


REFERENCES IN TEXT
Chapter 1 of the Internal Revenue Code of 1986, referred to in subsec. (e), means chapter 1 (§1 et seq.) of Title 26, Internal Revenue Code.

This Act, referred to in subsecs. (f) and (g), is Pub. L. 94–392, Aug. 19, 1976, 90 Stat. 1193, as amended, which enacted sections 1574a to 1574d of this title, amended section 1397 of this title, and enacted a provision set out as a note under section 1574a of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION
In subsecs. (b)(2) and (f), “section 7652(b)(3) of title 26” substituted for “section 28(b) of the Revised Or-
ganic Act of the Virgin Islands which comprises this chapter.

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

**AMENDMENTS**


Subsec. (f). Pub. L. 98–213, § 4(b)(2), and Pub. L. 98–146, § 100(f), amended subsec. (f) identically, substituting “$101,000,000” for “$61,000,000” and “1990” for “1984” in two places.

1980—Subsec. (f). Pub. L. 96–205 substituted provisions relating to prohibitions on commitments to guarantee by the Secretary and obligation by the Virgin Islands government of guaranteed but unobligated funds, and repayment by the government of unobligated proceeds of bonds or other obligations after Oct. 1, 1980, for provisions relating to entering into under Pub. L. 94–392, after Oct. 1, 1979, of commitments to guarantee.

§ 1574c. Priority for payment of principal and interest of revenue bonds or other obligations

Each issue of bonds or other obligations issued under subsection (a) of section 1574a of this title shall have a parity lien with every other issue of bonds or other obligations issued for payment of principal and interest out of revenues received under section 7652(b)(3) of title 26, except that issues guaranteed under section 1574b of this title shall have priority, according to the date of issue, over issues not so guaranteed and the revenues received under section 7652(b)(3) of title 26 shall be pledged for the payment of such bonds or other obligations.


**CODIFICATION**

“Section 7652(b)(3) of title 26” substituted in text for “section 28(b) of the Revised Organic Act of the Virgin Islands (68 Stat. 508)”, which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(a) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

**AMENDMENTS**

1997—Pub. L. 105–83 substituted “a parity lien with every other issue of bonds or other obligations issued for payment” for “priority for payment” and struck out “in the order of the date of issue” before “, except that”.

**Effective Date of 1997 Amendment**

Section 124(b) of Pub. L. 105–83 provided that: “The amendments made by subsection (a) [amending this section] shall apply to obligations issued on or after the date of enactment of this section [Nov. 14, 1997].”


Section, Pub. L. 94–392, § 4, Aug. 19, 1976, 90 Stat. 1195, related to grants to government of Virgin Islands for support of operation of such government and limitation on amount of such grants.

§ 1575. Legislative procedure

(a) Quorum and method of voting on bills

The number of members of the legislature needed to constitute a quorum shall be determined by the laws of the Virgin Islands. No bill shall become a law unless it shall have been passed at a meeting at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) Enacting clause of acts

The enacting clause of all acts shall be as follows: “Be it enacted by the Legislature of the Virgin Islands.”

(c) Governor’s message and budget

The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July or such other date as the Legislature of the Virgin Islands may determine.

(d) Approval and disapproval of bills

Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law.

When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall ap-
pend to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objectcd to shall not take effect, unless the legislature, after reconsideration upon motion of a member thereof, so objected to by a vote of two-thirds of all the members of the legislature.

(e) Use of prior appropriations upon failure to pass appropriation bills

If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) Journal of proceedings; contents

The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Transmittal of laws to Congress

A listing of all laws enacted by the legislature each year shall be transmitted with the annual report to Congress required pursuant to section 1591 of this title.


AMENDMENTS

2000—Subsec. (a). Pub. L. 106–364 amended first sentence generally. Prior to amendment, first sentence read as follows: "The quorum of the legislature shall consist of eight of its members."

1980—Subsec. (g). Pub. L. 96–470 substituted provision requiring a listing of all laws enacted by the legislature each year be transmitted with the annual report to Congress required by section 1591 of this title for provision requiring copies of all laws enacted by the legislature be transmitted within 15 days of their enactment by the Governor to the Secretary of the Interior and by the Secretary annually to Congress.

1978—Subsec. (c). Pub. L. 95–348 inserted provision authorizing the Virgin Islands Legislature to determine other dates on which the fiscal year shall commence.

1977—Subsec. (d). Pub. L. 95–134 inserted "unless the legislature, after reconsideration upon motion of a member thereof, passes such items, parts, or portions so objected to by a vote of two-thirds of all the members of the legislature" after "shall not take effect".

1968—Subsec. (a). Pub. L. 90–496, § 2, increased the quorum requirement from seven to eight members.

Subsec. (d). Pub. L. 90–496, § 3, inserted requirement that when a bill is returned by the Governor to the legislature, a motion of a member of the legislature is necessary for the legislature to reconsider the bill, and substituted provisions that if, after reconsideration by the legislature, two-thirds of all the members of the legislature pass a bill returned by the Governor, it shall be a law for provisions that if, after reconsideration by the legislature, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor for his approval, provisions that if the Governor does not approve the bill, the bill shall be sent to the President of the United States for his approval, provisions that if the President disapproves the bill, the bill shall be returned to the Governor, stating the President's disapproval, and it shall not be a law, and provisions that if the President neither approves nor disapproves the bill within 40 days after it was sent to him by the Governor, the bill shall be a law as if the President had signed it.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90–496 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–496, which was approved Aug. 23, 1968.

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90–496, effective Jan. 4, 1971, see section 16 of Pub. L. 90–496, set out as a note under section 1591 of this title.

§ 1576. General elections; time; transfer of Council functions, property, etc.

The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on July 22, 1954, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the municipality of Saint Croix shall be transferred to the government of the Virgin Islands.

(July 22, 1954, ch. 558, § 10, 68 Stat. 502.)

SUBCHAPTER IV—EXECUTIVE BRANCH

§ 1591. Governor and Lieutenant Governor; election; eligibility; official residence; powers and duties; report

The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands". The Governor of the Virgin Islands, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the legislature of the Virgin Islands. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both officers. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a run-off election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election.
The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified. No person who has been elected Governor for two full successive terms shall be again eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of the Virgin Islands and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in the Government House on Saint Thomas during his incumbency, which house, together with land appurtenant thereto, is hereby transferred to the government of the Virgin Islands. While in Saint Croix the Governor may reside in Government House on Saint Croix, which house, together with land appurtenant thereto, is also transferred to the government of the Virgin Islands.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this chapter. He shall appoint, and may remove, all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, or under the laws of the Virgin Islands, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion or imminent danger thereof, or to prevent or suppress a lawless violence, he may summon to the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in the Virgin Islands or Puerto Rico, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, proclaim the islands, insofar as they are under the jurisdiction of the government of the Virgin Islands, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall also make such other reports as the Congress, at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

There is hereby established the office of Lieutenant Governor of the Virgin Islands. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this chapter or under the laws of the Virgin Islands.


References in Text

This chapter, referred to in text, was in the original “this Act,” meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

Amendments

1998—Pub. L. 105–362, in fourth paragraph, struck out “The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress,” after “other information required by the Congress,” and “He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report.” after “under applicable Federal law.”

1984—Pub. L. 98–454 substituted “Saint Croix, which house, together with land appurtenant thereto is also transferred to the government of the Virgin Islands” for “Saint Croix free of rent” in second paragraph.

1982—Pub. L. 97–357, in fourth paragraph, substituted provisions relating to the preparation, etc., of a comprehensive annual financial report to be submitted to the Congress, the Secretary of the Interior, and the Inspector General of the Department of the Interior, preparation of other reports as required by Congress or applicable Federal law, and submittal of a written statement of actions taken or contemplated on Federal audit recommendations for provisions relating to an annual report of transactions of the Virgin Islands government to the Secretary of the Interior for transmittal to Congress and such other reports as required by Congress or applicable Federal law.

1968—Pub. L. 90–496 amended section generally, providing for the popular election of the Governor and Lieutenant Governor, setting the date of the first election, defining the scope of their authority, setting out the duties of their offices, specifying the qualifications for the offices of Governor and Lieutenant Governor, and providing that an elected Governor may serve two full successive terms but shall not be again eligible to hold that office until one full term has intervened.

CONVENEYANCE TO TERRITORY

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

§ 1593. Initiative and recall

(a) Grant of rights

The people of the Virgin Islands shall have the rights of initiative and recall to be exercised as provided in subsection (b) and subsection (c) of this section, respectively.

(b) Initiative

(1) An initiative may enact, amend, or repeal any law, except that an initiative shall not be used to repeal a law declared by the legislature at the time of passage to be an emergency law, necessary for the preservation of the public health, safety, or peace.

(2) An initiative that proposes a reduction of taxes shall also provide for an equivalent reduction of expenditures or an equivalent increase in revenues from other sources.

(3) An initiative shall address one subject only and matters reasonably related to that subject.

(4) The ballot question shall be in such form that a “yes” vote is a vote in favor of the proposal and a “no” vote is a vote against the proposal.

(5) A copy of the proposed initiative petition, including a complete text of the proposed law and containing signatures equal to at least 1 percent of the voters of each legislative district or 4 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections prior to circulation for ballot qualification. The Supervisor of Elections must determine within 10 days after the submission whether the preliminary signatures are sufficient. If so determined, the Supervisor of Elections shall refer the preliminary petition to an initiative titling board consisting of the Attorney General, the Supervisor of Elections, and the legislative counsel of the legislature. The board shall, in an open hearing, prepare the official ballot title, the submission question, and a summary of the initiative proposal, and this preparation shall be completed within 30 days after the referral.

(6) After the ballot title has been written, proponents of the initiative proposal shall have a maximum of 180 days to circulate the petition. Petitions containing signatures equal to at least 10 percent of the voters of each legislative district or 41 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections. The Supervisor shall have 15 days to determine that the minimum number of valid signatures are contained in the petition and he shall forward the certified proposal to the legislature which must accept or reject the measure within 30 days. If approved, the initiative shall take effect in accordance with its terms. If the legislature does not approve, the initiative shall be submitted to the voters at the next general election, unless the legislature approves a special election for this purpose. The legislature may submit its own version of the initiative to the voters. Should both measures be approved by the voters, the measure receiving the higher number of votes shall prevail. The voters shall have a clear alternative of rejecting either version or the entire proposition.

(7) An initiative submitted to the voters shall take effect if the initiative is approved by a majority of persons voting and if a majority of the voters of the Virgin Islands vote on the initiative. An initiative may not be vetoed by the Governor, and when approved by the voters, may not be amended or repealed by the legislature during the 3-year period after its approval unless the legislature acts by a two-thirds majority.

(8) The legislature may provide the manner in which petitions shall be circulated, filed, certified, and the ballot question shall be submitted to the voters.

(c) Recall

(1) An elected public official of the Virgin Islands may be removed from office by a recall election carried out under this subsection. The grounds for recall are any of the following: lack of fitness, incompetence, neglect of duty, or corruption.

(2) A recall election may be initiated by a two-thirds vote of the members of the legislature or by a petition under this subsection.

(3) Prior to circulation a recall petition which identifies by name and office the official being recalled and which states the grounds for recall shall be submitted to the Supervisor of Elections. The sponsors of the recall petition shall be allowed a period of 60 days after such submission for filing with the Supervisor of Elections a list of signatures equal in number to at least 50 percent of the whole number of votes cast for that office in the last general election at which that office was filled. The Supervisor of Elections shall have 15 days in which to determine
whether the minimum number of valid signatures are contained in the recall petition.

(4) A special recall election shall be held with respect to an elected public official not earlier than 30 days after a vote of the legislature under paragraph (2) or a determination of the board of elections under paragraph (3), as the case may be, and not later than 60 days after such vote or determination.

(5) An official shall be removed from office upon approval of the recall in an election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such recall election.

(6) No recall election shall be held with respect to an elected public official—

(A) during the first year of the first term of office of the official; or

(B) less than 3 months before a general election for the office.

(d) “Law” and “voter” defined

As used in this section, the term—

(1) “law” means a law of the Virgin Islands; and

(2) “voter” means a registered voter who is eligible to vote on the issue or for the office involved.


Amendments

1986—Pub. L. 99–396 amended section generally, substituting provisions giving people of Virgin Islands the rights of initiative and recall and spelling out ways in which those rights are to be exercised for provisions which had formerly only set out a method for removal of Governor by referendum election.

1968—Pub. L. 90–496 substituted provisions authorizing the removal of the Governor from office by a recall referendum for provisions authorizing the appointment of a Governor Secretary for the Virgin Islands, and provisions setting forth his powers and duties.

Effective Date of 1968 Amendment

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90–496, effective Jan. 4, 1971, see section 16 of Pub. L. 90–496, set out as a note under section 1591 of this title.


Section, act July 22, 1954, ch. 558, §13, 68 Stat. 503, authorized the Governor to appoint an administrative assistant to reside in St. Croix and an administrative assistant to reside in St. John.

Effective Date of Repeal

Section 6 of Pub. L. 90–496 provided in part that the repeal of this section is effective on the date of enactment of Pub. L. 90–496, which was approved Aug. 23, 1968.

§ 1595. Vacancy in office of Governor or Lieutenant Governor

(a) Temporary disability or temporary absence of Governor

In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(b) Permanent vacancy in office of Governor; Lieutenant Governor as Governor; term of office

In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Governor-elect, or for any other reason, the Governor or Governor-elect, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

(c) Temporary disability or temporary absence of Lieutenant Governor; president of legislature as Lieutenant Governor

In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

(d) Permanent vacancy in office of Lieutenant Governor; Governor to appoint new Lieutenant Governor with advice and consent of legislature; term of office

In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

(e) Temporary disability or temporary absence of Governor and Lieutenant Governor; appointment of Acting Governor; permanent vacancies in offices of Governor and Lieutenant Governor; appointment of Governor

In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of the Virgin Islands may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of the Virgin Islands.

(f) Additional compensation

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this chapter.


Amendments

1968—Pub. L. 90–496 designated existing provisions as subsec. (a), substituted provisions that in case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor for the period that in case of a vacancy in the office of Governor or the disability of the Governor or the temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor, and added subsec. (b) to (f).

Effective Date of 1968 Amendment

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90–496, effective Jan. 4, 1971, see section 16 of Pub. L. 90–496, set out as a note under section 1591 of this title.

§ 1597. Reorganization of government

(a) Consolidation of departments, bureaus, etc.;
popular election of school board members

The Governor shall, within one year after July 22, 1954, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department other than the department of law shall be designated as the commissioner thereof, and the commissioner of finance shall be bonded. The head of the department of law shall be known as the attorney general of the Virgin Islands. Members of school boards, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.

(b) Changes after examination from time to time

The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this chapter, as the determinations are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of the Virgin Islands.

(c) Appointment of department heads; tenure; removal; powers and duties; appointments to boards, etc.

The heads of the executive departments created by this chapter shall be appointed by the Governor with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature. The chairman and members of any board, authority, or commission established by the laws of the Virgin Islands shall, if the laws of the Virgin Islands hereafter provide, also be appointed by the Governor with the advice and consent of the legislature, if such board, authority, or commission has quasi-judicial functions: Provided, That no law of the Virgin Islands dealing with the chairmanship, membership, or chairmanship and membership of any such board, authority, or commission, and requiring an appointment or appointments to be made with the advice and consent of the legislature, shall relate to more than one such board, authority, or commission, nor shall it relate to any other legislative matter.

(1) The authority to audit all accounts pertaining to the revenue and receipts of the gov-
ernment of the Virgin Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(2) The authority to report to the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

(b) Scope of authority transferred

The authority granted in paragraph (a) of this section shall extend to all activities of the government of the Virgin Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

(c) Transfer of personnel, assets, etc., of office of government comptroller for Virgin Islands to Office of Inspector General, Department of the Interior

In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for the Virgin Islands related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.


REFERENCES IN TEXT


PRIOR PROVISIONS


SUBCHAPTER V—JUDICIAL BRANCH

§1611. District Court of Virgin Islands; local courts; jurisdiction; practice and procedure

(a) District Court of Virgin Islands; local courts

The judicial power of the Virgin Islands shall be vested in a court of record designated the “District Court of the Virgin Islands” established by Congress, and in such appellate court and lower local courts as may have been or may hereafter be established by local law.

(b) Jurisdiction

The legislature of the Virgin Islands may vest in the courts of the Virgin Islands established by local law jurisdiction over all causes in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the concurrent jurisdiction conferred on the District Court of the Virgin Islands by section 1612(a) and (c) of this title.

(c) Practice and procedure

The rules governing the practice and procedure of the courts established by local law and those prescribing the qualifications and duties of the judges and officers thereof, oaths and bonds, and the times and places of holding court shall be governed by local law or the rules promulgated by those courts.


AMENDMENTS

1984—Pub. L. 98–454 designated existing provisions as subsec. (a), inserted “established by Congress”, before “and in such” and substituted “appeal court and lower local courts as may have been or may hereafter be established by local law” for “court or courts of inferior jurisdiction as have been or may hereafter be established by local law”, and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT


§1612. Jurisdiction of District Court

(a) Jurisdiction

The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States. The District Court of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of title 26 shall constitute an offense against the government of the Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate officers thereof.

(b) General jurisdiction; limitations

In addition to the jurisdiction described in subsection (a) the District Court of the Virgin Islands shall have general original jurisdiction in all causes in the Virgin Islands the jurisdiction over which is not then vested by local law in the local courts of the Virgin Islands: Provided, That the jurisdiction of the District Court of the Virgin Islands under this subsection shall
not extend to civil actions wherein the matter in controversy does not exceed the sum or value of $500, exclusive of interest and costs; to criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of $100 or imprisonment for six months, or both; and to violations of local police and executive regulations. The courts established by local law shall have jurisdiction over the civil actions, criminal cases, and violations set forth in the preceding proviso. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by local law for the purposes of determining the availability of indictment by grand jury or trial by jury.

(c) Criminal offenses; concurrent jurisdiction with local courts

The District Court of the Virgin Islands shall have concurrent jurisdiction with the courts of the Virgin Islands established by local law over those offenses against the criminal laws of the Virgin Islands, whether felonies or misdemeanors or both, which are of the same or similar character or part of, or based on, the same act or transaction or two or more acts or transactions connected together or constituting part of a common scheme or plan, if such act or transaction or transactions also constitutes or constitute an offense or offenses against one or more of the statutes over which the District Court of the Virgin Islands has jurisdiction pursuant to subsections (a) and (b) of this section.


REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”; meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of this title and Tables.

AMENDMENTS


1984—Pub. L. 98–454 amended section generally, designating existing provisions as subsec. (a), substituted provisions that District Court would have all jurisdiction of a district court of the United States, including diversity jurisdiction and bankruptcy jurisdiction as well as civil and criminal matters regarding the income tax laws applicable to the Virgin Islands for former provisions conferring general jurisdiction on the court and providing for the transfer of cases, repealed section 336 of Pub. L. 95–598, which had amended this section, and added subsecs. (b) and (c).

1978—Pub. L. 95–598 inserted “and a bankruptcy court” after “jurisdiction of a district court”.

EFFECTIVE DATE OF 1984 AMENDMENT


EFFECTIVE DATE OF 1978 AMENDMENTS

Section 902(e) of Pub. L. 95–598, which provided a prospective effective date for the amendment of this section by section 336(a) of Pub. L. 95–598, was repealed by section 1001 of Pub. L. 98–454.

JURISDICTION OF DISTRICT COURT OVER PENDING CASES

Section 703(b) of Pub. L. 98–454 provided that: “The provisions of this section [amending this section] shall not result in the loss of jurisdiction of the District Court of the Virgin Islands over any complaint or proceeding pending in it on the day preceding the effective date of this amendatory Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title] and such complaint and proceeding may be pursued to final determination in the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit, and the Supreme Court, notwithstanding the provisions of this amendatory Act [Pub. L. 98–454].”

§ 1613. Relations between courts of United States and courts of Virgin Islands; review by United States Court of Appeals for Third Circuit; reports to Congress; rules

The relations between the courts established by the Constitution or laws of the United States and the courts established by local law with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings: Provided, That for the first fifteen years following the establishment of the appellate court authorized by section 1611(a) of this title, the United States Court of Appeals for the Third Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of the Virgin Islands from which a decision could be had. The Judicial Council of the Third Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this section.


AMENDMENTS

1994—Pub. L. 103–437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

1984—Pub. L. 98–454 amended section generally, substituting provisions relating to the relations between local law courts and already established courts under the Constitution or laws of the United States with respect to appeals, certiorari, etc. and providing that the Circuit Court of Appeals for the Third Circuit shall have jurisdiction to review all final decisions from the highest court of the Virgin Islands for fifteen years after the
appellate court is established for former provisions relating to the jurisdiction of inferior courts, transfer of actions, status as committing court, bail and rules.

Effective Date of 1984 Amendment

Termination of Reporting Requirements
For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under this section is listed as the 1st item on page 13), see section 3063 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 1613a. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Third Circuit; rules; appeals to appellate court
(a) Appellate jurisdiction of District Court
Prior to the establishment of the appellate court authorized by section 1611(a) of this title, the District Court of the Virgin Islands shall have such appellate jurisdiction over the courts of the Virgin Islands established by local law to the extent now or hereafter prescribed by local law: Provided, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Virgin Islands or of any order or regulation issued or action taken by the executive branch of the government of the Virgin Islands with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions
Appeals to the District Court of the Virgin Islands shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The chief judge of the district court shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1614(a) of this chapter: Provided, That no more than one of them may be a judge of a court established by local law. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure. Appeals pending in the district court on the effective date of this Act shall be heard and determined by a single judge.

(c) United States Court of Appeals for Third Circuit; jurisdiction; appeals; rules
The United States Court of Appeals for the Third Circuit shall have jurisdiction of appeals from all final decisions of the district court on appeal from the courts established by local law. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(d) Appeals to appellate court; effect on District Court
Upon the establishment of the appellate court provided for in section 1611(a) of this title all appeals from the decisions of the courts of the Virgin Islands established by local law not previously taken must be taken to that appellate court. The establishment of the appellate court shall not result in the loss of jurisdiction of the district court over any appeal then pending in it. The rulings of the district court on such appeals may be reviewed in the United States Court of Appeals for the Third Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.


References in Text
This chapter, referred to in subsecs. (a) and (b), was in the original “this Act”, meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

The effective date of this Act, referred to in subsec. (b), probably means the effective date of title VII of Pub. L. 98–454, which is 90 days after Oct. 5, 1984, and which enacted this section.

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.

§ 1614. Judges of District Court
(a) Appointment; tenure; removal; chief judge; compensation
The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of ten years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The judge of the district court who is senior in continuous service and who otherwise qualifies under section 136(a) of title 28 shall be the chief judge of the court. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge

1 See References in Text note below.
of the Third Judicial Circuit of the United States may assign a judge of a court of record of the Virgin Islands established by local law, or a circuit or district judge of the Third Judicial Circuit, or a recalled senior judge of the District Court of the Virgin Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

(b) Criminal offenses; procedure; definitions; indictment and information

Where appropriate, the provisions of part II of title 18 and of title 28, and notwithstanding the provisions of rule 7(a) and of rule 54(a) of the Federal Rules of Criminal Procedure relating to the requirement of indictment and to the prosecution of criminal offenses in the Virgin Islands by information, respectively, the rules of practice heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the district court and appeals therefrom: 

Provided, That the terms “Attorney for the government” and “United States attorney” as used in the Federal Rules of Criminal Procedure, shall, when applicable to causes arising under the income tax laws applicable to the Virgin Islands, mean the Attorney General of the Virgin Islands or such other person or persons as may be authorized by the laws of the Virgin Islands to act therein: 

Provided further, That in the district court all criminal prosecutions under the laws of the United States, under local law under section 1612(c) of this title, and under the income tax laws applicable to the Virgin Islands may be had by indictment by grand jury or by information: 

Provided further, That an offense which has been investigated by or presented to a grand jury may be prosecuted by information only by leave of court or with the consent of the defendant. All criminal prosecutions arising under local law which are tried in the district court pursuant to section 1612(b) of this title shall continue to be had by information, except such as may be required by the local law to be prosecuted by indictment by grand jury.

(c) United States marshal

The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 37 of title 28 shall apply.


References in Text

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

Codification

In subsec. (c), “chapter 37 of title 28” substituted for “chapter 33 of title 28” on authority of Pub. L. 89–554, §7(b), Sept. 6, 1966, 80 Stat. 631, section (c) of which revised part II of Title 28, Judiciary and Judicial Procedure.

Amendments

1984—Subsec. (a). Pub. L. 98–454, §706(a), substituted provisions extending the term of a judge of the district court from eight to ten years, further substituted “of a court of the Virgin Islands established by local law,” for “a judge of the municipal court of the Virgin Islands,” in third sentence, and inserted provisions regarding the designation of the chief judge.

Subsec. (b). Pub. L. 98–454, §706(b), substituted provisions relating to criminal procedure in the district courts for former provisions which related to the chief judge of the district court and which are now set out in subsec. (a).

1970—Subsec. (a). Pub. L. 91–272 designated existing provisions as subsec. (a), increased from one to two the number of district judges, added judges of the municipal court of the Virgin Islands to the list of judges from which may be drawn temporary judges for the district court, and transferred to subsec. (c) provisions covering the appointment of a United States marshal for the Virgin Islands.


Subsec. (c). Pub. L. 91–272 added subsec. (c), the substance of which was formerly contained in subsec. (a).

1958—Pub. L. 85–851 substituted “the Attorney General shall appoint a United States marshal” for “the Attorney General shall, as heretofore, appoint a marshal and one deputy marshal”.

Effective Date of 1984 Amendment


Chief Judge; District Court; Determination and Qualifications

Section 706(c) of Pub. L. 98–454 provided that: “The provisions of subsection (a) of this section [amending this section] regarding the determination and qualifications of the chief judge of the District Court of the Virgin Islands shall not apply to a person serving as chief judge of said court on the effective date of this Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title].”

Extension of Term of District Judges

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984, see section 1001 of Pub. L. 98–454, set out as a note under section 1424b of this title.

Present Incumbent

Enactment of this chapter as not affecting term of office of judge of the District Court of the Virgin Islands in office on the date of its enactment, see Effective Date note set out under section 1541 of this title.

Resignation and Retirement of Judges

Resignation and retirement of judges in the Territories and possessions, see section 373 of Title 28, Judiciary and Judicial Procedure.

§1615. Judicial divisions

The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays.

**Amendments**

1989—Pub. L. 101–219 struck out provision that court for the Division of Saint Croix be held in Christiansted and for the Division of Saint Thomas and Saint John at Charlotte Amalie.

1984—Pub. L. 98–454 amended section generally, inserting provisions setting forth places for the holding of court of each judicial division and striking out provisions relating to the applicability of procedural rules and prosecutions by information and indictment, which are now covered under section 1614 of this title, and repealed section 336 of Pub. L. 95–598 which had amended this section.

1978—Pub. L. 95–598 substituted “section 2075 of title 28 in cases under title 11” for “section 53 of title 11 in bankruptcy cases”.

**Effective Date of 1984 Amendment**


**Effective Date of 1978 Amendment**

Section 402(e) of Pub. L. 95–598, which provided a prospective effective date for the amendment of this section by section 336(b) of Pub. L. 95–598, was repealed by section 1001 of Pub. L. 98–454.

§1616. Trial by jury

All criminal cases originating in the district court shall be tried by jury upon demand by the defendant or by the Government. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.


**Amendments**

1988—Pub. L. 85–451 substituted requirement of jury trial upon demand by defendant or Government for prohibition against denial to any person on demand of either party.

§1617. United States attorney; appointment; duties

The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands to whose office the provisions of chapter 35 of title 28, shall apply. Except as otherwise provided by law it shall be the duty of the United States attorney to prosecute all offenses against the United States and to conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the district court and in the courts established by local law. He shall also prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court unless, at his request or with his consent, the prosecution of any such case is conducted by the attorney general of the Virgin Islands. The United States attorney may, when requested by the Governor or the attorney general of the Virgin Islands, conduct any other legal proceedings to which the government of the Virgin Islands is a party in the district court or the courts established by local law.


**Amendments**

1984—Pub. L. 98–454 substituted “courts established by local law” for “inferior courts of the Virgin Islands” wherever appearing and struck out provisions relating to vacancies in the office of United States attorney for the Virgin Islands.

1971—Pub. L. 92–24 substituted “chapter 35” for “chapter 31” and struck out “except that the Attorney General shall not appoint more than one assistant United States attorney for the Virgin Islands” after “shall apply”.

1959—Pub. L. 86–289 substituted provisions making chapter 31 of title 28 applicable to United States attorney and by provisions specifying his duties, for provisions which prescribed his term of office and provided for his compensation, provided for appointment and compensation of his assistant and employees, and provided that he or his assistant conduct all legal proceedings in which the United States Government or the government of the Virgin Islands is a party in the District Court and inferior courts.


**Effective Date of 1984 Amendment**


**Subchapter VI—System of Accounts**

§1631. Establishment and maintenance; scope

The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government’s activities;

(b) adequate financial information needed for the government’s management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government’s request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor’s budget request to the legislature, and for controlling the execution of the said budget.

(July 22, 1954, ch. 558, §18, 68 Stat. 505.)

**References in Text**

Section 26, referred to in subsec. (d), probably means section 26 of S. 3378 (act July 22, 1954, ch. 558, 68 Stat. 497) prior to the submission of S. 3378 to the Conference Committee which redesignated section 26 as section 28 of S. 3378. Said section 28 was composed of subsecs. (a) to (d). Subsecs. (a), (c), and (d) thereof enacted sections...
1642, 1643, and 1644 of this title, respectively. Subsec. (b) thereof added subsec. (c) to section 3350 of former Title 26, Internal Revenue Code. Reference to section 3350(c) of former Title 26 is deemed a reference to section 7652(b)(3) of Title 26, Internal Revenue Code. See section 7852(b) of Title 26, Internal Revenue Code, which provides that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provisions of the Internal Revenue Code of 1986.

AGREEMENT REGARDING FINANCIAL ACCOUNTABILITY AND PERFORMANCE STANDARDS

Pub. L. 106–84, § 2, Oct. 28, 1999, 113 Stat. 1295, provided that:

"(a) IN GENERAL.—The Secretary of the Interior is authorized to enter into an agreement with the Governor of the Virgin Islands establishing mutually agreed financial accountability and performance standards for the fiscal operations of the Government of the Virgin Islands.

"(b) TRANSMISSION TO CONGRESS.—Upon ratification of the agreement authorized in subsection (a) by both parties, the Secretary shall forward a copy of the agreement to the Committee on Resources [now Committee on Natural Resources] in the House of Representatives and the Committee on Energy and Natural Resources in the Senate."


Section, act July 22, 1954, ch. 558, § 19, 68 Stat. 505, authorized Comptroller General of United States to review annually the office and activities of Government Comptroller of Virgin Islands, and report thereon to Governor, Secretary of the Interior, and Congress. Effective Date of Repeal

Section 14 of Pub. L. 90–496 provided that repeal of this section is effective on date of enactment of Pub. L. 90–496, which was approved Aug. 23, 1968.

SUBCHAPTER VII—FISCAL PROVISIONS

§ 1641. Method of payment of official salaries

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands, and the members of the legislature shall be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands. (July 22, 1954, ch. 558, § 20, formerly § 20(c), 68 Stat. 505; Pub. L. 85–851, § 6(a), Aug. 28, 1958, 72 Stat. 1065; Pub. L. 90–496, § 10, Aug. 23, 1968, 82 Stat. 841.)

Codification

Prior to the 1968 amendment of section 20 of act July 22, 1954, this section constituted subsec. (c) of said section 20. Subsecs. (a) and (b) of said section 20 were classified to sections 1592 and 1598, respectively, of this title. Section 19 of Pub. L. 90–496 consolidated the text of said section 20 into a single unlettered paragraph, classified to this section.

Amendments

1968—Pub. L. 90–496 substituted provisions that the salaries and travel allowances of all officers connected with the executive and legislative departments of the government of the Virgin Islands be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands for provisions that the salaries of the Governor, the Government Secretary, the government comptroller, and their immediate staffs be paid by the United States, and provisions that the salaries of the heads of the executive departments be paid by the government of the Virgin Islands, such salaries to be paid without the necessity of further appropriations therefor, if the legislature fails to make an appropriation for such salaries.

1958—Pub. L. 85–851 provided for the payment of the salary of the government comptroller by the United States instead of by the government of the Virgin Islands.

Effective Date of 1968 Amendment

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90–496, effective Jan. 4, 1971, see section 16 of Pub. L. 90–496, set out as a note under section 1591 of this title.

Effective Date of 1958 Amendment

Section 6(b) of Pub. L. 85–851 provided that: "This section [amending this section] shall become effective on July 1, 1959."

Elimination of General Fund Deficits of Guam and Virgin Islands


"(a) In order to assist the governments of Guam and the Virgin Islands in eliminating general fund deficits, there is authorized to be appropriated to the Secretary of the Interior for payment to Guam not to exceed $15,000,000 for fiscal year 1982, and $11,000,000 for fiscal year 1983, $7,500,000 for fiscal year 1984, and $4,000,000 for fiscal year 1985; and for payment to the Virgin Islands not to exceed $12,000,000 for fiscal year 1982, $9,000,000 for fiscal year 1983, $6,000,000 for fiscal year 1984, and $3,000,000 for fiscal year 1985.

"(b) The Governors of Guam and the Virgin Islands shall, as a condition for a grant pursuant to subsection (a) of this section, submit a plan which is designed to eliminate the respective territory's general fund deficit by the beginning of fiscal year 1987 to the Secretary of the Interior. Within sixty days after he has received such a plan, the Secretary of the Interior shall transmit the plan, together with his comments and recommendations to the Congress. The plan shall provide for—"

"(1) implementation of an effective budgetary and accounting system;

"(2) realistic revenue and expenditure projections which will progressively reduce current year general fund deficits and result in a balanced general fund budget no later than the beginning of fiscal year 1987;

"(3) financing of accumulated general fund deficits; and

"(4) quarterly goals and timetables for implementing the plan."

"The plan shall also indicate that the Governor has the necessary authority to implement the plan.

"(c) Not later than thirty days after the close of each quarter which occurs after the plan has been transmitted to the Congress, the respective Governor shall submit a report to the Secretary of the Interior and the Congress describing in detail the success or failure of such territory in meeting the goals and timetables described in such plan."


§ 1642. Use of certain proceeds for expenditure; income tax obligations of inhabitants

The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, (less the cost of collecting such duties, taxes and fees as may be directly attributable (as certified by the Comptroller of the Virgin Islands) to the importation of petroleum products until January 1, 1982: Provided, That any other retained costs not heretofore remitted pursuant to the Act of August 18, 1978, shall be immediately remitted to the Treasury of the Virgin Islands notwithstanding any other provision of law) shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: Provided, That the term “inhabitants of the Virgin Islands” as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: Provided further, That nothing in this chapter shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.


REFERENCES IN TEXT

Act of August 18, 1978, referred to in text, probably means Pub. L. 95–348, Aug. 18, 1978, 92 Stat. 487, as amended, which enacted sections 1643 and 1641 of this title and section 4104d of Title 16, Conservation, amended sections 1211h, 1469a, 1575, and 1642 of this title and sections 398a and 398c of Title 16, and enacted provisions set out as a note under sections 1421, 1641, and 1681 of this title. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in text, was in the original “this Act”, meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

Section 3811 of the Internal Revenue Code, referred to in text, means section 3811 of former Title 26, Internal Revenue Code, which was repealed by section 7853(a)(17) of the Internal Revenue Code of 1986. Similar provisions are contained in section 7651 of Title 26, Internal Revenue Code. For provision that any reference in any other law to a provision of the Internal Revenue Code of 1986 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1986, see section 7852(b) of Title 26.

Codification

Section constitutes subsec. (a) of section 28 of act July 22, 1954. Subsec. (b) of section 28 amended section 3350 of former Title 26, Internal Revenue Code, 1939, and subsecs. (c) and (d) thereof are classified to sections 1643 and 1644, respectively, of this title.

Amendments

1980—Pub. L. 96–205 inserted provisions relating to deductions for the costs of collecting the duties, taxes, and fees attributable to the importation of petroleum products until Jan. 1, 1982, provided that outstanding retained costs are immediately remitted to the Treasury of the Virgin Islands.

1978—Pub. L. 96–348 struck out “less the cost of collecting all of said duties, taxes, and fees,” before “shall be covered”.

§ 1642a. Availability of collected customs duties for expenditures as Legislature may provide

Notwithstanding any other provision of law, the proceeds of customs duties collected in the Virgin Islands less the cost of collecting all said duties shall, effective for the years beginning after September 30, 1979, be covered into the Treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide.


PRER PRIOR PROVISIONS

A prior section 1642a, Pub. L. 96–38, title I, July 25, 1979, 93 Stat. 122, related to availability of collected customs duties for expenditure as the Virgin Islands Legislature may provide, prior to repeal by Pub. L. 96–205, title IV, § 403(b), Mar. 12, 1980, 94 Stat. 89.

§ 1643. Import provisions with respect to trademarks

Section 1124 of title 15, and section 1526 of title 19, shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant’s right under the Trade Mark Act [15 U.S.C. 1051 et seq.].

(July 22, 1954, ch. 558, § 28(c), 68 Stat. 509.)

REFERENCES IN TEXT

The Trade Mark Act, referred to in text, probably means the Trademark Act of 1946, also popularly known as the Lanham Act, act July 5, 1946, ch. 540, 60 Stat. 427, as amended, which is classified generally to chapter 22 (§ 1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

Codification

Section constitutes subsec. (c) of section 28 of act July 22, 1954. Subsec. (b) of section 28 amended section 3350 of former Title 26, Internal Revenue Code, 1939, and subsecs. (a) and (d) thereof are classified to sections 1642 and 1644, respectively, of this title.

§ 1644. Import duties on articles entering United States or possessions from Virgin Islands

All articles coming into the United States from the Virgin Islands shall be subject to or exempt from duty as provided for in section 1301a of title 19 and subject to internal-revenue taxes as provided for in section 7652(b) of title 26.


1 So in original. Probably should be “Legislature”.

2 See References in Text note below.
§ 1645

References in Text

Section 1301a of title 19, referred to in text, was repealed by Pub. L. 87–456, title III, § 301(a), May 24, 1962, 76 Stat. 75. See General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

Codification

Section constitutes subsec. (d) of section 28 of act July 22, 1954. Subsecs. (a) and (c) of section 28 are classified to sections 1642 and 1643, respectively, of this title, and subsec. (b) thereof amended section 3350 of former Title 26, Internal Revenue Code, 1939.

Amendments


1954—Act Sept. 1, 1954, subjected the Virgin Islands to the general provision for importations from insular possessions contained in section 1301a of Title 19, Customs Duties.

Effective Date of 1954 Amendment

Amendment by act Sept. 1, 1954, effective on and after the thirtieth day following Sept. 1, 1954, see section 601 of act Sept. 1, 1954, set out as a note under section 1211 of this title.

§ 1645. Remittance of duties, taxes, and fees to be collected in next fiscal year; authorization, prerequisites, amount, etc.

Beginning as soon as the government of the Virgin Islands enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, the Secretary of the Treasury, prior to the commencement of any fiscal year, shall remit to the government of the Virgin Islands the amount of duties, taxes, and fees which the Governor of the Virgin Islands, with the concurrence of the government comptroller of the Virgin Islands, has estimated will be collected in or derived from the Virgin Islands under the Revised Organic Act of the Virgin Islands [48 U.S.C. 1541 et seq.] during the next fiscal year, except for those sums covered directly upon collection into the treasury of the Virgin Islands. There shall be deducted from or added to the amounts so remitted, as may be appropriate, at the beginning of the fiscal year, the difference between the amount of duties, taxes, and fees actually collected during the prior fiscal year and the amount of such duties, taxes, and fees as estimated and remitted at the beginning of that prior fiscal year, including any deductions which may be required as a result of the operation of sections 1574a to 1574d of this title.


References in Text

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 this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

Section 1574d of this title, referred to in text, was repealed by Pub. L. 97–357, title III, § 308(g), Oct. 19, 1982, 96 Stat. 1710.

1 See References in Text note below.

§ 1661. Islands of eastern Samoa

(a) Ceded to and accepted by United States

The cessions by certain chiefs of the islands of Tutuila and Manu'a and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, are accepted, ratified, and confirmed, as of April 10, 1900, and July 16, 1904, respectively.

(b) Public land laws; revenue

The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: Provided, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the said islands of eastern Samoa for educational and other public purposes.

(c) Government

Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(Feb. 20, 1929, ch. 281, 45 Stat. 1253; May 22, 1929, ch. 6, 46 Stat. 4.)

References in Text

The existing laws of the United States relative to public lands, referred to in subsec. (b), are classified generally to Title 43, Public Lands.

Codification

Subsec. (d) of this section, which provided for recommendation of legislation concerning the islands of east-
ern Samoa by seven commissioners as soon as reasonably practicable, was omitted from the Code. Section was formerly classified to section 1431a of this title.

AMENDMENTS
1929—Subsec. (d). Act May 22, 1929, substituted “seven” and “three” for “six” and “two”, respectively, and inserted “or high chiefs” after “chiefs”.

AUTHORITY OF GUAM, AMERICAN SAMOA, AND THE NORTHERN MARIANA ISLANDS TO ENACT REVENUE LAWS
See section 1271 of Pub. L. 99–514, set out as a note under section 931 of Title 26, Internal Revenue Code.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY
Conveyance of submerged lands to the government of American Samoa, see section 1701 et seq. of this title.

§ 1662. Sovereignty of United States extended over Swains Island
The sovereignty of the United States over American Samoa is extended over Swains Island, which is made a part of American Samoa and placed under the jurisdiction of the administrative and judicial authorities of the government established therein by the United States. (Mar. 4, 1925, ch. 568, 43 Stat. 1357.)

CODIFICATION
Section was formerly classified to section 1431 of this title.

TRANSFER OF PERSONAL PROPERTY TO GOVERNMENT OF AMERICAN SAMOA
Pub. L. 96–697, title I, § 101, Dec. 24, 1980, 94 Stat. 3477, provided that: “Notwithstanding any other provision of law and subject to valid existing rights, all right, title, and interest of the Government of the United States in personal property situated in American Samoa shall be transferred, without reimbursement, to the American Samoa government on October 1, 1981, unless the agency of the Government of the United States having administrative responsibility for the property advises the Secretary of the Interior in writing before the date of transfer that it has a continuing requirement for such property.”

TRANSFER OF CERTAIN PROPERTY TO GOVERNMENT OF AMERICAN SAMOA
Pub. L. 87–138, Aug. 17, 1961, 75 Stat. 392, authorized the Secretary of the Navy to transfer, without reimbursement or transfer of funds, to the government of American Samoa, within ninety days after August 17, 1961, title to all property, real and personal, located in American Samoa on that date which was owned by the United States and was within the administrative supervision of the Department of the Navy on such date.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY
Conveyance of submerged lands to the government of American Samoa, see section 1701 et seq. of this title.

EX. ORD. NO. 10264, TRANSFER OF ADMINISTRATION OF AMERICAN SAMOA
Ex. Ord. No. 10264, eff. June 29, 1951, 16 F.R. 6419, provided:
1. The administration of American Samoa is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.
2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of administration of American Samoa 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 in American Samoa.
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 of February 19, 1900 [Ex. Ord. 125–A], is revoked, effective July 1, 1951.

HARRY S TRUMAN.

§ 1662a. Amendment of constitution of American Samoa
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. (Pub. L. 98–213, § 12, Dec. 8, 1983, 97 Stat. 1462.)

REFERENCES IN TEXT
Executive Order 10264, referred to in text, is set out under section 1662 of this title.

§ 1663. Acknowledgment of deeds
Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: Provided, That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, 1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified. (June 28, 1906, ch. 3585, 34 Stat. 552.)

REFERENCES IN TEXT
For definition of Canal Zone, referred to in text, see section 3692(b) of Title 22, Foreign Relations and Intercourse.

CODIFICATION
Section is also classified to section 1421f–1 of this title.
Section was formerly classified to sections 1358 and 1432 of this title.

Section, act June 14, 1934, ch. 523, 48 Stat. 963, made coastwise shipping laws of United States inapplicable to commerce between the islands of American Samoa or between those islands and other ports under the jurisdiction of the United States. See section 55101 of Title 46, Shipping.

§ 1665. Omitted
CODIFICATION
Section, act Oct. 5, 1992, Pub. L. 102–381, title I, 106 Stat. 1392, which authorized Territorial and local gov-


REFERENCES IN TEXT
The Richard B. Russell National School Lunch Act, as amended, referred to in subsec. (b), is act June 14, 1946, ch. 253, 60 Stat. 229, as amended, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Vocational Education Act of 1946, referred to in subsec. (c), is act June 6, 1938, ch. 541, 49 Stat. 1488, as amended, which was classified to sections 152 to 155a, 155aa to 155gg of Title 20, Education, and was repealed by section 103 of Pub. L. 90-576, title I, Oct. 16, 1968, 82 Stat. 1061. See section 2301 et seq. of Title 20.

The Hospital Survey and Construction Act, referred to in subsec. (c), is act Aug. 13, 1946, ch. 958, 60 Stat. 1041, as amended, which added a title VI to the Public Health Service Act, and was classified to subchapter IV (§ 291 et seq.) of chapter 6A of Title 42, The Public Health and Welfare. Such title VI was amended generally by Pub. L. 88-443, § 3(a) Aug. 18, 1964, 78 Stat. 447. For complete classification of this Act to the Code, see Tables.

AMENDMENTS


TRANSFER OF FUNCTIONS
For transfer of functions and offices (relating to education) of Secretary and Department of Health, Education, and Welfare to Secretary and Department of Education, and termination of certain offices and positions and redesignation of Secretary of Health, Education, and Welfare as Secretary of Health and Human Services, see sections 3441, 3503, and 3508 of Title 20, Education.

$ 1666. Extension of scientific, technical, and other assistance; grant-in-aid program restriction; limitations on expenditures

Upon request of the Secretary of the Interior—

(a) the head of any Federal department, agency, or corporation may, notwithstanding any other provision of law, extend to American Samoa, without reimbursement, such scientific, technical, and other assistance under any program which it administers as, in the judgment of the Secretary of the Interior, will promote the welfare of American Samoa. The provision of the preceding sentence shall not apply to financial assistance under any grant-in-aid program. The Secretary of the Interior shall not request assistance pursuant to this subsection which will involve nonreimbursable costs as estimated for him in advance by the heads of the departments, agencies, and corporations concerned in excess of an aggregate of $150,000 in any one fiscal year;

(b) the Secretary of Agriculture may extend to American Samoa the benefits of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1751 et seq.]; and

(c) the Secretary of Health, Education, and Welfare may extend to American Samoa the benefits of the Vocational Education Act of 1946, the Hospital Survey and Construction Act [42 U.S.C. 291 et seq.], and section 246 of title 42, all as amended.


Section, Pub. L. 87-688, § 2, Sept. 25, 1962, 76 Stat. 586, extended to American Samoa the benefits of the Vocational Education Act of 1946 and authorized an annual appropriation of $80,000 therefor.

EFFECTIVE DATE OF REPEAL
Section 103 of Pub. L. 90-576 provided that repeal of this section is effective July 1, 1969.

$ 1668. Reporting duties of Governor and transfer of functions from government comptroller for American Samoa to Inspector General, Department of the Interior

(a) Comprehensive annual financial report; contents; other reports

The Governor of American Samoa shall prepare, publish, and submit to the Congress and
the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council of Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law.

(b) Functions, powers, and duties transferred

The following functions, powers, and duties heretofore vested in the government comptroller for American Samoa are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of American Samoa:

(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of American Samoa, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of American Samoa including those pertaining to trust funds held by the government of American Samoa.

(2) The authority to report to the Secretary of the Interior and the Governor of American Samoa all failures to collect amounts due the government, and expenditures of funds or uses or property which are irregular or not pursuant to law.

(c) Scope of authority transferred

The authority granted in paragraph (b) of this section shall extend to all activities of the government of American Samoa, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

(d) Transfer of personnel, assets, etc., of office of government comptroller for American Samoa to Office of Inspector General, Department of the Interior

In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for American Samoa relating to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.


REFERENCES IN TEXT


PRIOR PROVISIONS


AMENDMENTS

1998—Subsec. (a). Pub. L. 105–362 struck out “The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress.” after “other information required by the Congress.” and “He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report.” after “under applicable Federal law.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in the 1st sentence of subsec. (a) of this section relating to the requirement that the Governor submit a comprehensive annual financial report to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 14th item on page 115 of House Document No. 103–7.

§ 1669. Administration and enforcement of collection of customs duties; employment and training of residents

The Secretary of the Treasury shall, upon the request of the Governor of American Samoa, administer and enforce the collection of all customs duties derived from American Samoa, without cost to the government of American Samoa. The Secretary of the Treasury, in consultation with the Governor of American Samoa, shall make every effort to employ and train the residents of American Samoa to carry out the provisions of this section. The administration and enforcement of this section shall commence October 1, 1980.


§ 1670. Industrial development bonds

(a) Issuance

The legislature of the government of American Samoa may cause to be issued after September 20, 1984, industrial development bonds (within the meaning of section 103(b)(2) of title 26).

(b) Exemption of all bonds from income taxation by State and local governments

(1) In general

The interest on any bond or other obligation issued by or on behalf of the Government of American Samoa shall be exempt from taxation by the Government of American Samoa and the governments of any of the several States, the District of Columbia, any territory or possession of the United States, and any subdivision thereof.

1 See References in Text note below.
(2) Exemption applicable only to income taxes

The exemption provided by paragraph (1) shall not apply to gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

cross reference

For exclusion of interest for purposes of Federal income taxation, see section 103 of title 26. 

References to Text

Section 103, referred to in subsec. (a), which related to interest on certain governmental obligations was amended generally by Pub. L. 99–514, title XIII, §1301(a), Oct. 22, 1986, 100 Stat. 2602, and as so amended relates to interest on State and local bonds. Section 103(b)(2), which prior to the general amendment defined industrial development bond, relates to the applicability of the interest exclusion to arbitrage bonds.

Amendments

2004—Subsec. (b). Pub. L. 108–326 amended heading and text generally, substituting provisions relating to exemption of all bonds from income taxation by State and local governments for provisions relating to exemption from taxation and definition of State.


effective date of 2004 amendment


Chapter 14—Trust Territory of the Pacific Islands

Sec.

1681. Continuance of civil government for Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement.

1681a. Appointment of High Commissioner.

1681b. Transfer of functions from government comptroller of Guam to Inspector General, Department of the Interior.

1681c. 1682. Repealed or Omitted.

1683. Auditing of transactions of Trust Territory of the Pacific Islands.

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1686, 1687. Omitted.

1688. Trust Territory of the Pacific Islands Economic Development Loan Fund.

1689. Plan for use of grant to Trust Territory of the Pacific Islands Economic Development Loan Fund; loans; terms.

1690. Loans from Trust Territory of the Pacific Islands Economic Loan Fund; restrictions; guarantees.

1691. Fiscal control and accounting procedures for plan for use of grant.

1692. Comprehensive annual financial report by chief executives of governments of the Marshall Islands, Federated States of Micronesia, Palau, and Northern Mariana Islands; contents; other reports.

Sec.

1693. Audit of government; access to books, records, etc.

1694 to 1694a. Transferred.

1695. Federal education and health care programs; nonapplicability or nonparticipation.

termination of trust territory of the pacific islands


For provisions relating to the Northern Mariana Islands, formerly set out as notes under section 1681 of this title, see chapter 17 (§1801 et seq.) of this title. For provisions relating to the Federated States of Micronesia, the Marshall Islands, and Palau, formerly set out as notes under section 1681 of this title, see chapter 18 (§1901 et seq.) of this title.

1681. Continuance of civil government for Trust Territory of the Pacific Islands; assistance programs; maximum fiscal year costs; reimbursement

(a) Until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize.

(b) The head of any department, corporation, or other agency of the executive branch of the Government may, upon the request of the Secretary of the Interior, extend to the Trust Territory of the Pacific Islands, with or without reimbursement, scientific, technical, and other assistance under any program administered by such agency, or extend to the Trust Territory any Federal program administered by such agency, if the assistance or program will promote the welfare of the Trust Territory, notwithstanding any provision of law under which the Trust Territory may otherwise be ineligible for the assistance or program. Provided, That the Secretary of the Interior shall not request assistance pursuant to this subsection that involves, in the aggregate, an estimated nonreimbursable cost in any one fiscal year in excess of $150,000: Provided further, That the cost of any program extended to the Trust Territory under this subsection shall be reimbursable out of appropriations authorized and made for the government of the Trust Territory pursuant to section 2 of this Act, as amended. The provisions of this subsection shall not apply to financial assistance under a grant-in-aid program.

REFERENCES IN TEXT
Section 2 of this Act, as amended, referred to in subsec. (b), means section 2 of act June 30, 1954, set out as a note below.

CODIFICATION
Section was formerly classified to section 1435 of this title.

AMENDMENTS
1964—Pub. L. 88–487 designated existing provisions as subsec. (a) and added subsec. (b).

NOTES TRANSFERRED
For provisions relating to the Northern Mariana Islands, formerly set out as notes under this section, see chapter 17 (§1901 et seq.) of this title. For provisions relating to the Federated States of Micronesia, the Marshall Islands, and Palau, formerly set out as notes under this section, see chapter 18 (§1901 et seq.) of this title.

SIMILAR PROVISIONS
Similar provisions continuing the civil government for the Trust Territory of the Pacific Islands until June 30, 1954, were contained in act Aug. 8, 1953, ch. 383, §§1, 2, 67 Stat. 449, 456.

AUTHORIZATION OF APPROPRIATIONS
Pub. L. 87–541, July 19, 1962, 76 Stat. 171, provided in part that not more than $15,000,000 be authorized to be appropriated for the fiscal year 1963.

Section 2 of act June 30, 1954, as amended July 19, 1962, Pub. L. 87–541, 76 Stat. 171; May 10, 1967, Pub. L. 90–16, §1, 82 Stat. 15; Oct. 21, 1968, Pub. L. 90–16, §1, 82 Stat. 15; Oct. 21, 1968, Pub. L. 90–617, §1, 82 Stat. 15; Oct. 15, 1977, Pub. L. 95–134, title IV, §101, 90 Stat. 299; Oct. 15, 1977, Pub. L. 95–134, title IV, §101, 90 Stat. 84; Dec. 24, 1980, Pub. L. 96–597, title IV, §101, 91 Stat. 1159; Mar. 12, 1980, Pub. L. 96–205, title I, §101, 91 Stat. 1213; Dec. 24, 1970, Pub. L. 91–578, 84 Stat. 1559; Sept. 21, 1973, Pub. L. 93–111, §1, 87 Stat. 354; May 28, 1975, Pub. L. 94–27, §1, 89 Stat. 95; Apr. 1, 1976, Pub. L. 94–256, §1, 90 Stat. 209; Oct. 15, 1977, Pub. L. 95–134, title I, §101, 91 Stat. 1159; Mar. 12, 1980, Pub. L. 96–205, title I, §101, 91 Stat. 84; Dec. 24, 1980, Pub. L. 96–597, title IV, §401, 94 Stat. 3478, provided that: “There are authorized to be appropriated not to exceed $25,000,000 for fiscal year 1967, $45,000,000 for fiscal year 1968, $75,000,000 for fiscal year 1975, $80,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $15,100,000 for fiscal year 1977, $80,000,000, and such amounts as were authorized but not appropriated for fiscal years 1975, 1976, and 1977; for fiscal year 1978, $90,000,000; for fiscal year 1979, $122,700,000; for fiscal year 1980, $122,000,000; for fiscal years after fiscal year 1980, such sums as may be necessary, including, but not limited to, sums needed for completion of the capital improvement program; for a basic communications system; for a feasibility study and construction of a hydroelectric project on Panape; for purchase by grant or contract for the installation, operation, and maintenance of communications systems which will provide internal and external communications; and up to but not to exceed $5,000,000 for the construction of such buildings as are required for a four-year college to serve the Micronesian community (no appropriations for the construction of such buildings shall, however, be made (A) until not later than one year after the date of the enactment of this Act [Apr. 1, 1976], the President causes a study to be made by an appropriate authority to determine the educational need and the most suitable educational concept for such a college and transmits such study, together with his recommendations, to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of the United States within said one year period and (B) until 90 calendar days after the receipt of such study and recommendations which shall be deemed approved unless specifically disapproved by resolution of either such committee), and $1,800,000 for a human development project in the Marshall Islands plus such sums as are necessary, for each of such fiscal years, or periods, to offset reductions in, or the termination of, Federal grant-in-aid programs or other funds made available to the Trust Territory of the Pacific Islands by other Federal agencies, to remain available until expended, to carry out the provisions of this Act (this section) and to provide for a program of necessary capital improvements and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings; provided, That except for funds appropriated for the activities of the Peace Corps no funds appropriated by any Act shall be used for administration of the Trust Territory of the Pacific Islands except as may be specifically authorized by law.”

INVENTORY AND STUDY OF MOST UNIQUE AND SIGNIFICANT NATURAL, HISTORICAL, ETC., RESOURCES OF TRUST TERRITORY OF THE PACIFIC ISLANDS
Pub. L. 97–337, title II, §205, Oct. 19, 1982, 96 Stat. 1708, directed the Secretary of the Interior to conduct a comprehensive inventory and study of the most unique and significant natural, historical, cultural and recreational resources of Trust Territory of the Pacific Islands with objective of preservation of their values and their careful use and appreciation by the public, along with a determination of their potential for attracting tourism, further provided that such inventory and study was to be conducted in full cooperation and consultation with affected governmental officials and the interested public, and was to identify areas or sites which qualified to be listed on Registry of Natural Landmarks and National Register of Historic Places, and further provided that a full report on such inventory and study was to be transmitted to the respectively involved governments and Congress no later than two complete calendar years after Oct. 19, 1982.

ESTABLISHMENT OF PERMANENT LOCATION FOR DISPLACED PEOPLE OF BIKINI ISLAND; PROGRESS REPORT TO CONGRESS; CONTENTS
Pub. L. 95–348, §2(c), Aug. 18, 1978, 92 Stat. 488, directed the Secretary of the Interior to prepare and submit to Congress by July 1, 1979, a progress report on efforts to establish a permanent location for displaced people of Bikini Island.

DISASTER RELIEF
Section 3 of act June 30, 1954, ch. 423, as added Pub. L. 91–606, title III, §301(k), Dec. 31, 1970, 84 Stat. 1759; Pub. L. 93–288, title VII, §702(k), formerly title VI, §602(k), May 22, 1974, 88 Stat. 164, renumbered Pub. L. 93–288, title VII, §702(k), formerly title VI, §602(k), and further provided that a full report on such inventory and study was to be transmitted to the respectively involved governments and Congress no later than two complete calendar years after Oct. 19, 1982.

Disaster Relief
Section 3 of act June 30, 1954, ch. 423, as added Pub. L. 91–606, title III, §301(k), Dec. 31, 1970, 84 Stat. 1759; Pub. L. 93–288, title VII, §702(k), formerly title VI, §602(k), May 22, 1974, 88 Stat. 164, renumbered Pub. L. 93–288, title VII, §702(k), formerly title VI, §602(k), and further provided that a full report on such inventory and study was to be transmitted to the respectively involved governments and Congress no later than two complete calendar years after Oct. 19, 1982.

ISLAND TRADING COMPANY OF MICRONESIA

Authorizing Approval of Trustership Agreement for the Territory of the Pacific Islands
Act July 18, 1947, ch. 271, 61 Stat. 397, authorized President to approve, on behalf of the United States,
the trusteeship agreement between the United States and the Security Council of the United Nations for the former Japanese mandated islands (to be known as the Territory of the Pacific Islands) which was approved by the Security Council on Apr. 2, 1947.

**EXECUTIVE ORDER NO. 10265**

Ex. Ord. No. 10265, eff. June 29, 1951, 16 F.R. 6419, which related to transfer of administration of Trust Territory of the Pacific Islands, was superseded by Ex. Ord. No. 11021, eff. May 8, 1962, 27 F.R. 4409, formerly set out below.

**EXECUTIVE ORDER NO. 11021**


§ 1681a. Appointment of High Commissioner

Any appointment made on or after May 10, 1967, to the office of the High Commissioner of the Trust Territory of the Pacific Islands shall be made by the President by and with the advice and consent of the Senate.


§ 1681b. Transfer of functions from government comptroller for Guam to Inspector General, Department of the Interior

(a) Functions, powers, and duties transferred

The following functions, powers, and duties heretofore vested in the government comptroller for Guam with respect to the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands:

(1) The authority to audit all accounts pertaining to the revenue and receipts of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the aforementioned governments including those pertaining to trust funds held by such governments.

(2) The authority to report to the Secretary of the Interior, the High Commissioner of the Trust Territory of the Pacific Islands, the chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands all failures to collect amounts due the governments, and expenditures of funds or uses of property which are irregular or not pursuant to law.

(b) Scope of authority transferred

The authority granted in paragraph (a) of this section shall extend to all activities of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended. This section is not subject to termination under section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263, 268).

(c) Transfer of personnel, assets, etc., of office of government comptroller for Guam to Office of Inspector General, Department of the Interior

In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam related to its audit function, with respect to the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands are hereby transferred to the Office of Inspector General, Department of the Interior.


**REFERENCES IN TEXT**


Section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, referred to in subsec. (b), is contained in section 1 of Pub. L. 94–241, set out as a note under section 1901 of this title.

**PRIOR PROVISIONS**


Section, Pub. L. 96–205, title II, § 201(a), Mar. 12, 1980, 94 Stat. 85, related to the payment of the salary and expenses of the government comptroller for the Northern Mariana Islands from funds appropriated to the Department of the Interior.

§ 1682. Omitted

**CODIFICATION**

Section, act Oct. 5, 1982, Pub. L. 102–381, title I, 106 Stat. 1383, which authorized government of Trust Territory of Pacific Islands to make purchases through General Services Administration, was from the Department of the Interior and Related Agencies Appropriations Act, 1982, and was not repeated in subsequent appropriation acts. See also section 1498 of this title. Similar provisions were contained in the following prior appropriation acts:

§ 1685. Transfer of property or money for administration of Trust Territory of the Pacific Islands

After June 30, 1952, transfers to the Department of the Interior pursuant to chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subchapter 3 thereof of property or money for administration of the Trust Territory of the Pacific Islands shall be made at the request of the Secretary of the Interior without reimbursement or transfer of title.

AMENDMENTS


§ 1684. Expenditure of funds for administration of Trust Territory of the Pacific Islands

After June 30, 1954, no funds appropriated by any Act and no funds which are available or which may become available from any source whatsoever shall be used for administration of the Trust Territory of the Pacific Islands, except as may be specifically authorized by law.

(July 31, 1953, ch. 298, title I, 67 Stat. 273.)

CODIFICATION

Section was formerly classified to section 1437 of this title.

Section is from the Interior Department Appropriation Act, 1954, act July 31, 1953.

PRIOR PROVISIONS


§ 1683. Auditing of transactions of Trust Territory of the Pacific Islands

All financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31.


CODIFICATION

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

Section was formerly classified to section 1436 of this title.

PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:


§§ 1686, 1687

Title 48—Territories and Insular Possessions

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(705, 597, title I, §108, 66 Stat. 460.)

Codicification

Section was formerly classified to section 1438 of this title.


§§ 1686, 1687. Omitted

Codicification

Section 1686, act July 31, 1953, ch. 286, title I, 67 Stat. 274, which prohibited new activity in the Trust Territory of the Pacific Islands requiring expenditures of Federal funds without specific prior approval of Congress, was not repeated in subsequent appropriation acts. Section was formerly classified to section 1439 of this title.

Section 1687, act Nov. 4, 1983, Pub. L. 98–146, title I, §97 Stat. 932, which provided that appropriations available for administration of Trust Territory of the Pacific Islands could be expended for purchase, etc., of surface vessels for official expenses and for commercial transportation expenses, was from the Department of the Interior, for payment to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the lands, there is authorized to be appropriated to

§ 1688. Trust Territory of the Pacific Islands Economic Development Loan Fund

For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the government of the Trust Territory of the Pacific Islands as a grant in accordance with the provisions of sections 1688 to 1693 of this title, an amount which when added to the development fund established pursuant to section 3 of the Act of August 22, 1964 (78 Stat. 601), as augmented by subsequent Federal grants, will create a total fund of $5,000,000, which shall thereafter be known as the Trust Territory Economic Development Loan Fund.

(Pub. L. 92–257, §1, Mar. 21, 1972, 86 Stat. 87.)

References in Text


§ 1689. Plan for use of grant to Trust Territory of the Pacific Islands Economic Development Loan Fund; loans; terms

The grant authorized by section 1688 of this title shall be made only after the government of the Trust Territory of the Pacific Islands has submitted to the Secretary of the Interior a plan for the use of the grant, and the plan has been approved by the Secretary. The plan shall provide among other things for a revolving fund to make loans or to guarantee loans to private enterprise. The term of any loan made pursuant to the plan shall not exceed twenty-five years.

(Pub. L. 92–257, §2, Mar. 21, 1972, 86 Stat. 87.)

§ 1690. Loans from Trust Territory of the Pacific Islands Economic Loan Fund; restrictions; guarantees

No loan or loan guarantee shall be made under sections 1688 to 1693 of this title to any applicant who does not satisfy the territorial administering agency that financing is otherwise unavailing on reasonable terms and conditions. No loan or loan guarantee shall exceed (1) the amount which can reasonably be expected to be repaid, (2) the minimum amount necessary to accomplish the purposes of sections 1688 to 1693 of this title, or 25 per centum of the funds appropriated pursuant to section 1688 of this title. No loan guarantee shall guarantee more than 90 per centum of the outstanding amount of any loan, and the reserves maintained to guarantee the loan shall not be less than 25 per centum of the guarantee.

(Pub. L. 92–257, §3, Mar. 21, 1972, 86 Stat. 87.)

§ 1691. Fiscal control and accounting procedures for plan for use of grant

The plan provided for in section 1689 of this title shall set forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.


§ 1692. Comprehensive annual financial report by chief executives of governments of the Marshall Islands, Federated States of Micronesia, Palau, and Northern Mariana Islands; contents; other reports

The chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conform-
ance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The chief executives shall also make such other reports at such other times as may be required by the Congress or under applicable Federal laws. This section is not subject to termination under section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 293, 298).


REFERENCES IN TEXT

Section 502(a)(3) of 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 contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

AMENDMENTS

1998—Pub. L. 105–362 struck out “The chief executives shall transmit a comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress,” after “required by the Congress,” and “The chief executives shall transmit a comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress,” after “required by the Congress.”

1992—Pub. L. 97–357 substituted provisions relating to preparation, etc., by the chief executives of the governments of the Marshall Islands, etc., of a comprehensive annual financial report to be submitted to the Congress and the Secretary of the Interior and transmitted to the Inspector General of the Interior Department, preparation of other congressionally required reports, submission of a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report.” after “applicable Federal law.”

1982—Pub. L. 97–357 substituted provisions relating to preparation, etc., by the chief executives of the governments of the Marshall Islands, etc., of a comprehensive annual financial report to be submitted to the Congress and the Secretary of the Interior and transmitted to the Inspector General of the Interior Department, preparation of other congressionally required reports, submission of a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report.” after “applicable Federal law.”

1964—Pub. L. 88–609 provided that “governments shall not be denied” for “governments be not be denied” for “governments be not be denied.”

1980—Pub. L. 96–597 substituted “and shall continue to be available to the extent said territory or its successor or successors are eligible to participate in such programs. Participation in any applicable Federal programs in the fields of education and health care shall not cease to apply to the Trust Territory of the Pacific Islands or any successor government or governments, and shall continue to be available to the extent said territory or its successor or successors are eligible to participate in such programs. Participation in any applicable Federal programs in the fields of education and health care by the Trust Territory of the Pacific Islands or any successor government or governments shall not be denied, decreased or ended, either before or after the termination of the trusteeship, without the express approval of the United States Congress and shall continue at such levels as the Congress may provide in appropriation Acts.”


AMENDMENTS

1980—Pub. L. 96–597 substituted “and shall continue to be available to the extent said territory or its successor or successors are eligible to participate in such programs. Participation in any applicable Federal programs in the fields of education and health care by the Trust Territory of the Pacific Islands or any successor government or governments shall not be denied, decreased or ended, either before or after the termination of the trusteeship, without the express approval of the United States Congress and shall continue at such levels as the Congress may provide in appropriation Acts.” after “United States Congress”.

CHAPTER 15—CONVEYANCE OF SUBMERGED LANDS TO TERRITORIES

Sec. 1701 to 1703. Repealed.


1705. Tidelands, submerged lands, or filled lands.

1706. Reserved rights.
§ 1705. Tidelands, submerged lands, or filled lands

(a) Conveyance to Guam, Virgin Islands, and American Samoa

Subject to valid existing rights, all right, title, and interest of the United States in lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastlines of the territories of Guam, the Virgin Islands, and American Samoa, as heretofore or hereafter modified by accretion, erosion, and reliction, and in artificially made, filled in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters, are hereby conveyed to the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, to be administered in trust for the benefit of the people thereof.

(b) Retention of certain lands and mineral rights by United States

There are excepted from the transfer made by subsection (a) hereof—

(i) all deposits of oil, gas, and other minerals, but the term “minerals” shall not include coral, sand, and gravel;

(ii) all submerged lands adjacent to property owned by the United States above the line of mean high tide;

(iii) all submerged lands adjacent to property above the line of mean high tide acquired by the United States by eminent domain proceedings, purchase, exchange, or gift, after October 5, 1974, as required for completion of the Department of the Navy Land Acquisition Project relative to the construction of the Ammunition Pier authorized by the Military Construction Authorization Act, 1971 (84 Stat. 1204), as amended by section 201 of the Military Construction Act, 1973 (86 Stat. 1135);

(iv) all submerged lands filled in, built up, or otherwise reclaimed by the United States, before October 5, 1974, for its own use;

(v) all tracts or parcels of submerged land containing on any part thereof any structures or improvements constructed by the United States;

(vi) all submerged lands that have heretofore been determined by the President or the Congress to be of such scientific, scenic, or historic character as to warrant preservation and administration under the provisions of sections 1, 2, 3, and 4 of title 16;

(vii) all submerged lands designated by the President within one hundred and twenty days after October 5, 1974;

(viii) all submerged lands that are within the administrative responsibility of any agency or department of the United States other than the Department of the Interior;

(ix) all submerged lands lawfully acquired by persons other than the United States through purchase, gift, exchange, or otherwise;

(x) all submerged lands within the Virgin Islands National Park established by sections 398 to 398b of title 16, including the lands described in sections 398c and 398d of title 16; and

(xi) all submerged lands within the Buck Island Reef National Monument as described in

References in Text

The criminal laws of the United States, referred to in subsec. (a), are classified generally to Title 18, Crimes and Criminal Procedure.

Amendments

1986—Subsec. (a). Pub. L. 99–396 amended first sentence generally. Prior to amendment, first sentence read as follows: “Except as otherwise provided in this section, the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, shall have concurrent jurisdiction with the United States over parties found, acts performed, and offenses committed on property owned, reserved, or controlled by the United States in Guam, the Virgin Islands, and American Samoa.”

Upon request of the Governor of Guam, the Virgin Islands, or American Samoa, the Secretary of the Interior may, with or without reimbursement, and subject to the procedure specified in subsection (c) of this section convey all right, title, and interest of the United States in any of the lands described in clauses (ii), (iii), (iv), (v), (vi), (vii), or (viii) of this subsection to the government of Guam, the Virgin Islands, or American Samoa, as the case may be, with the concurrence of the agency having custody thereof.

(c) Submittal to Congressional committees of proposals for conveyance of retained lands or rights

No conveyance shall be made by the Secretary pursuant to subsection (a) or (b) of this section until the expiration of sixty calendar days (excluding days on which the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which the Secretary of the Interior submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an explanatory statement indicating the tract proposed to be conveyed and the need therefor, unless prior to the expiration of such sixty calendar days both committees inform the Secretary that they wish to take no action with respect to the proposed conveyance.

(d) Oil, gas, and other mineral deposits in submerged lands conveyed to Guam, Virgin Islands, and American Samoa; conveyance by United States; existing leases, permits, etc.

(1) The Secretary of the Interior shall, not later than sixty days after March 12, 1980, convey to the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, all right, title, and interest of the United States in deposits of oil, gas, and other minerals in the submerged lands conveyed to the government of such territory by subsection (a) of this section.

(2) The conveyance of mineral deposits under paragraph (1) of this subsection shall be subject to any existing lease, permit, or other interest granted by the United States prior to the date of such conveyance. All rentals, royalties, or fees which accrue after such date of conveyance in connection with any such lease, permit, or other interest shall be payable to the government of the territory to which such mineral deposits are conveyed.

(Pub. L. 93–435, § 1, Oct. 5, 1974, 88 Stat. 1210; Pub. L. 96–205, title VI, § 607, Mar. 12, 1980, 94 Stat. 91; Pub. L. 103–437, § 17(b), Nov. 2, 1994, 108 Stat. 225 (16 U.S.C. 431), the President is authorized to declare by public proclamation objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. The aforementioned thirty acres of submerged lands are contiguous to the site of the Buck Island Reef National Monument, constitute a part of the ecological community of the Buck Island Reef, and will not enlarge the monument boundaries beyond the smallest area compatible with its proper care and management.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93–435 (88 Stat. 1210) [subsection (a) of this section], do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of the Virgin Islands under Section 1(a) of Public Law 93–435 [subsection (a) of this section]; and, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1966, 34 Stat. 225 (16 U.S.C. 431), do hereby proclaim that, subject to valid existing rights, the lands hereinafter described are hereby added to and made a part of the Buck Island Reef National Monument, and Proclamation No. 3443 of December 28, 1961, establishing the Buck Island Reef National Monument is amended accordingly.

Beginning at latitude 17°47′30″ N, longitude 64°35′32″ W; thence approximately 1000 feet to latitude 17°47′27″ N, longitude 64°36′22″ W; thence approximately 900 feet to latitude 17°47′18″ N, longitude 64°36′22″ W; thence approximately 1000 feet to latitude 17°47′15″ N, longitude 64°36′32″ W; thence approximately 1500 feet to latitude 17°47′30″ N, longitude 64°36′32″ W, then placing the beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD.
§ 1706. RESERVED RIGHTS

(a) Establishment of naval defense sea areas and airspace reservations.

Nothing in this Act shall affect the right of the President to establish naval defensive sea areas and naval airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense.

(b) Navigation; flood control; power production.

Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of the lands transferred by section 1705 of this title, and the navigable waters overlying such lands, for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power.

(c) Navigational servitude and powers of regulation for purposes of commerce, navigation, national defense, and international affairs.

The United States retains all of its navigational servitude and rights in and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically conveyed to the government of Guam, the Virgin Islands, or American Samoa, as the case may be, by section 1705 of this title.

(d) Status of lands beyond the three-mile limit.

Nothing in this Act shall affect the status of lands beyond the three-mile limit described in section 1705 of this title.

RECEIVED FROM THE CODE, see Tables.
§ 1708. Discrimination prohibited in rights of access to, and benefits from, conveyed lands

No person shall be denied access to, or any of the benefits accruing from, the lands conveyed by this Act, or by the amendment made by this Act, on the basis of race, religion, creed, color, sex, national origin, or ancestry: Provided, however, That this section shall not be construed in derogation of any of the provisions of the April 17, 1900 cession of Tutuila and Aunuu or the July 16, 1904 cession of the Manu’s Islands, as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929 (46 Stat. 4).


REFERENCES IN TEXT
This Act, referred to in text, is Pub. L. 93–435, Oct. 5, 1974, 88 Stat. 1210, as amended, which enacted sections 1705 to 1708 of this title, amended section 1545 of this title, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables.

The amendment made by this Act, referred to in text, means the amendment made by section 3 of Pub. L. 93–435 to section 1545(b) of this title.

§ 1711. Delegate to House of Representatives from Guam and Virgin Islands

The territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

(Pub. L. 92–271, § 1, Apr. 10, 1972, 86 Stat. 118.)

§ 1712. Election of delegates; majority; runoff election; vacancy; commencement of term

(a) The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter.

The Delegate from the Virgin Islands shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.


AMENDMENTS
1998—Subsec. (a). Pub. L. 105–209 inserted “from the Virgin Islands” before “shall be elected at large” and inserted “The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate,” before “If no candidate receives such majority”.

§ 1713. Qualifications for Office of Delegate

To be eligible for the Office of Delegate a candidate must—

(a) be at least twenty-five years of age on the date of the election,

(b) have been a citizen of the United States for at least seven years prior to the date of the election,

(c) be an inhabitant of the territory from which he is elected, and

(d) not be, on the date of the election, a candidate for any other office.

§ 1714. Territorial legislature; determination of election procedure

The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.


§ 1715. Operation of Office; House privileges; compensation, allowances, and benefits; privileges and immunities; voting in committee

The Delegate from Guam and the Delegate from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from each territory shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to the Resident Commissioner for Puerto Rico: Provided, That the right to vote in committee shall be as provided by the Rules of the House of Representatives.


AMENDMENTS

1996—Pub. L. 104–186 struck out last two provisos which read as follows: “Provided further, That the clerk hire allowance of each Delegate shall be a single per annum gross rate that is 60 per centum of the clerk hire allowance of a Member: Provided further, That the transportation expenses of each Delegate that are subject to reimbursement under section 43f of title 2 shall not exceed the cost of four round trips each year.”

SUBCHAPTER II—AMERICAN SAMOA

§ 1731. Delegate to House of Representatives from American Samoa

The Territory of American Samoa shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.


§ 1732. Election of delegates

(a) In general; plurality vote; vacancy

The Delegate shall be elected by the people qualified to vote for the popularly elected officials of the Territory of American Samoa at the general Federal election of 1980, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot, and by a plurality of the votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) Commencement of term

The term of the Delegate shall commence on the third day of January following the date of the election.

(c) Establishment of primary elections

The legislature of American Samoa may, but is not required to, provide for primary elections for the election of Delegate.

(d) Effect of establishment of primary elections

Notwithstanding subsection (a) of this section, if the legislature of American Samoa provides for primary elections for the election of Delegate, the Delegate shall be elected by a majority of votes cast in any subsequent general election for the office of Delegate for which such primary elections were held.


AMENDMENTS

2004—Subsec. (a). Pub. L. 108–376, § 2(1), substituted ‘‘plurality of the votes cast’’ for ‘‘majority of the votes cast’’ and struck out ‘‘If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate.’’ before ‘‘in case of’’.

Subsecs. (c), (d). Pub. L. 108–376, § 2(2), added subsecs. (c) and (d).

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–376, § 3, Oct. 30, 2004, 118 Stat. 2201, provided that: ‘‘The amendments made by paragraph (1) of section 2 [amending subsec. (a) of this section] shall take effect on January 1, 2005. The amendment made by paragraph (2) of section 2 [adding subsecs. (c) and (d) of this section] shall take effect on January 1, 2005.’’

FINDINGS

Pub. L. 108–376, § 1, Oct. 30, 2004, 118 Stat. 2200, provided that: ‘‘Congress finds the following:

‘‘(1) It is in the national interest that qualifying members of the Armed Forces on active duty and other overseas voters be allowed to vote in Federal elections.

‘‘(2) Since 1980, when the first election for the Congressional Delegate from American Samoa was held, general elections have been held in the first week of November in even-numbered years and runoff elections have been held 2 weeks later.

‘‘(3) This practice of holding a run-off election 2 weeks after a general election deprives members of the Armed Forces on active duty and other overseas voters of the opportunity to participate in the Federal election process in American Samoa.

‘‘(4) Prior to and since September 11, 2001, and due to limited air service, mail delays, and other considerations, it has been and remains impossible for absentee ballots to be prepared and returned within a 2-week period.

‘‘(5) American Samoa law requiring members of the Armed Forces on active duty and other overseas voters to register in person also prevents participation in the Federal election process and is contrary to the Uniformed and Overseas Citizens Absentee Voting Act [42 U.S.C. 1973ff et seq.].

‘‘(6) Given that 49 states elect their Representatives to the United States House of Representatives by plurality, it is in the national interest for American Samoa to do the same until such time as the Amer-
§ 1733. Qualifications for Office of Delegate

To be eligible for the office of Delegate a candidate shall—

(a) be at least twenty-five years of age on the date of the election;

(b) owe allegiance to the United States;

(c) be an inhabitant of the Territory of American Samoa; and

(d) not be, on the date of the election, a candidate for any other office.


AMENDMENTS

1978—Subsec. (b). Pub. L. 95–584 substituted allegiance requirement for provision requiring United States citizenship for at least seven years prior to the date of the election.

§ 1734. Territorial government; determination of election procedure

Acting pursuant to legislation enacted in accordance with section 9, article II of the American Samoa Revised Constitution, the territorial government will determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.


§ 1735. Operation of Office; compensation, allowances, and benefits; privileges and immunities

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from American Samoa shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities that are, or hereinafter may be, granted to the nonvoting Delegate from the Territory of Guam.


AMENDMENTS

1982—Pub. L. 97–357 struck out proviso limiting clerk hire allowance for Delegate from American Samoa to 50 per centum of clerk hire allowance of a Member of House of Representatives.

Effective Date of 1982 Amendment

Section 401 of Pub. L. 97–357 provided that amendment made by that section is effective Jan. 1, 1983.

SUBCHAPTER III—NORTHERN MARIANA ISLANDSDelegate

§ 1751. Delegate to House of Representatives from Commonwealth of the Northern Mariana Islands

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 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 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subchapter.


REFERENCES IN TEXT

Section 901 of 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 contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

Public Law 94–241, referred to in text, is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 283, which is classified generally to subchapter I (§1801 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

This subchapter, referred to in text, was in the original "this subtitle", meaning subtitlle B (§§711–718) of title VII of Pub. L. 110–229, May 8, 2008, 122 Stat. 868, which enacted this subchapter and amended sections 4342, 6954 and 9432 of Title 10, Armed Forces. For complete classification of subtitle B to the Code, see Tables.

§ 1752. Election of Delegate

(a) Electors and time of election

The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) Manner of election

(1) In general

The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) Effect of establishment of primary elections

Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) Vacancy

In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.
§ 1753. Qualifications for office of Delegate

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;
(2) have been a citizen of the United States for at least 7 years prior to the date of the election;
(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;
(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and
(5) not be, on the date of the election, a candidate for any other office.


§ 1754. Determination of election procedure

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subchapter.


REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§711–718) of title VII of Pub. L. 110–229, May 8, 2008, 122 Stat. 868, which enacted this subchapter and amended sections 4342, 6954 and 9432 of Title 10, Armed Forces. For complete classification of subtitle B to the Code, see Tables.

The covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

§ 1755. Compensation, privileges, and immunities

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.


§ 1756. Lack of effect on covenant

No provision of this subchapter shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 1751 of this title except section 901 of the covenant.


REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§711–718) of title VII of Pub. L. 110–229, May 8, 2008, 122 Stat. 868, which enacted this subchapter and amended sections 4342, 6954 and 9432 of Title 10, Armed Forces. For complete classification of subtitle B to the Code, see Tables.

The covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

CHAPTER 17—NORTHERN MARIANA ISLANDS

SUBCHAPTER I—APPROVAL OF COVENANT AND SUPPLEMENTAL PROVISIONS

Sec. 1801. Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands.
1802. Consideration of issues affecting relations with United States.
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1808. Operations.

SUBCHAPTER II—JUDICIAL MATTERS

1821. District Court for the Northern Mariana Islands.
1822. Jurisdiction of District Court; original jurisdiction; procedural requirements.
1823. Appellate jurisdiction of District Court; review by United States Court of Appeals for Ninth Circuit; rules.
1824. Relations between courts of United States and courts of Northern Mariana Islands; applicability of statutory provisions.
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SUBCHAPTER III—MISCELLANEOUS

1841. Funds and services.
1842. Covering into Commonwealth treasury of tax proceeds collected pursuant to Covenant.
1843. Exemption from taxation for income derived from sources within Commonwealth.
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Sec. 1845. Plans for development, utilization, and conservation of water and related land resources.

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SUBCHAPTER I—APPROVAL OF COVENANT AND SUPPLEMENTAL PROVISIONS

§ 1801. Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the text of which is as follows, is hereby approved.


REFERENCES IN TEXT

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, referred to in text, which was contained in this section (section 1 of Pub. L. 94–241), is set out as a note below.

CODIFICATION

Section was formerly set out as a note under section 1681 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.

APPLICABILITY OF REQUIREMENT OF UNITED STATES CITIZENSHIP OR NATIONALITY AS PREREQUISITE OF ANY BENEFIT, RIGHT, ETC., TO CITIZENS OF NORTHERN MARIANA ISLANDS

Pub. L. 98–213, §§ 17–25, Dec. 8, 1983, 97 Stat. 1483–1486, exempted citizens of Northern Mariana Islands from laws prohibiting United States Government from compensating or employing noncitizens and from requirement of United States citizenship in certain Federal laws providing Federal services or financial assistance to Northern Mariana Islands, authorized President to issue proclamations exempting citizens of Northern Mariana Islands from United States citizenship or nationality requirements of certain statutes, provided that if President failed to timely issue a proclamation, 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 would not apply to citizens of the Northern Mariana Islands, provided that Pub. L. 98–213 did not extend to Northern Mariana Islands any statutory provision or regulation, particularly statutes relating to immigration and nationality, not otherwise applicable to or within Northern Mariana Islands, provided for termination of President’s authority to issue proclamations upon establishment of Commonwealth of the Northern Mariana Islands, defined terms, and provided for merger of benefits acquired under Pub. L. 98–213 into those acquired by virtue of United States citizenship unless recipient exercised his privilege to become a national but not a citizen of United States.

AUTHORIZATION OF APPROPRIATIONS FOR TRANSITION OF MARIANA ISLANDS DISTRICT TO COMMONWEALTH STATUS

Pub. L. 94–27, § 2, May 28, 1975, 89 Stat. 55, authorized appropriation of $1,500,000 to aid in transition of Mariana Islands District to a new Commonwealth status as a territory of United States and provided that no part could be obligated or expended until Congress approved final agreement between Mariana Political Status Commission and United States.

Recital Clauses

Pub. L. 94–241 which enacted this subchapter contained several “Whereas” clauses reading as follows:

“Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the trusteeship agreement for the former Japanese-mandated islands entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 18, 1947; and

“Whereas the United States, in accordance with the trusteeship agreement and the Charter of the United Nations, has assumed the obligation to promote the development of the peoples of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and

“Whereas the United States, in response to the desires of the people of the Northern Mariana Islands clearly expressed over the past twenty years through public petition and referendum, and in response to its own obligations under the trusteeship agreement to promote self-determination, entered into political status negotiations with representatives of the people of the Northern Mariana Islands; and

“Whereas, on February 15, 1975, a ‘Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’ [set out below] was signed by the Marianas Political Status Commission for the people of the Northern Mariana Islands and by the President’s Personal Representative, Ambassador F. Haydn Williams for the United States of America, following which the covenant was approved by the unanimous vote of the Mariana Islands District Legislature on February 20, 1975 and by 78.8 per cent of the people of the Northern Mariana Islands voting in a plebiscite held on June 17, 1975”.

TEXT OF COVENANT


“Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America

“Whereas, the Charter of the United Nations and the Trusteeship Agreement between the Security Council of the United Nations and the United States of America guarantee to the people of the Northern Mariana Islands the right freely to express their wishes for self-government or independence; and

“Whereas, the United States supports the desire of the people of the Northern Mariana Islands to exercise their inalienable right of self-determination; and

“Whereas, the people of the Northern Mariana Islands and the people of the United States share the goals and values found in the American system of government based upon the principles of government by the consent of the governed, individual freedom and democracy; and

“Whereas, for over twenty years, the people of the Northern Mariana Islands, through public petition and referendum, have clearly expressed their desire for political union with the United States;

“Now, therefore, the Mariana Political Status Commission, being the duly appointed representative of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States have entered into this Covenant in order to establish a self-governing commonwealth for the Northern Mariana Islands within the American political system and to define the future relationship between the
Northern Mariana Islands and the United States. This Covenant will be mutually binding when it is approved by the United States, by the Mariana Islands District Legislature and by the people of the Northern Mariana Islands in a plebiscite, constituting on their part a sovereign act of self-determination.

**ARTICLE I**

**POLITICAL RELATIONSHIP**

**SECTION 101.** The Northern Mariana Islands upon termination of the Trusteeship Agreement will become a self-governing commonwealth to be known as the ‘Commonwealth of the Northern Mariana Islands’, in political union with and under the sovereignty of the United States of America.

**SECTION 102.** The relations between the Northern Mariana Islands and the United States will be governed by this Covenant which, together with those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands, will be the supreme law of the Northern Mariana Islands.

**SECTION 103.** The people of the Northern Mariana Islands will have the right of local self-government and will govern themselves with respect to internal affairs in accordance with a Constitution of their own adoption.

**SECTION 104.** The United States will have complete responsibility for and authority with respect to matters relating to foreign affairs and defense affecting the Northern Mariana Islands.

**SECTION 105.** The United States may enact legislation in accordance with its constitutional processes which will be applicable to the Northern Mariana Islands, but if such legislation cannot also be made applicable to the several States the Northern Mariana Islands must be specifically named therein for it to become effective in the Northern Mariana Islands. In order to respect the right of self-government guaranteed by this Covenant the United States agrees to limit the exercise of that authority so that the fundamental provisions of this Covenant, namely Articles I, II and III and Sections 101, 102, 103 and 104, may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands.

**ARTICLE II**

**CONSTITUTION OF THE NORTHERN MARIANA ISLANDS**

**SECTION 201.** The people of the Northern Mariana Islands will formulate and approve a Constitution and may amend their Constitution pursuant to the procedures provided therein.

**SECTION 202.** The Constitution will be submitted to the Government of the United States for approval on the basis of its consistency with this Covenant and those provisions of the Constitution, treaties and laws of the United States to be applicable to the Northern Mariana Islands. The Constitution will be deemed to have been approved six months after its submission to the President on behalf of the Government of the United States unless earlier approved or disapproved. If disapproved the Constitution will be returned and will be resubmitted in accordance with this Section. Amendments to the Constitution may be made by the people of the Northern Mariana Islands without approval by the Government of the United States, but the courts established by the Constitution or laws of the United States will be competent to determine whether the Constitution and subsequent amendments thereto are consistent with this Covenant and with those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands.

**SECTION 203.** (a) The Constitution will provide for a republican form of government with separate executive, legislative and judicial branches, and will contain a bill of rights.

(b) The executive power of the Northern Mariana Islands will be vested in a popularly elected Governor and such other officials as the Constitution or laws of the Northern Mariana Islands may provide.

(c) The legislative power of the Northern Mariana Islands will be vested in a popularly elected legislature and will extend to all rightful subjects of legislation. The Constitution of the Northern Mariana Islands will provide for equal representation for each of the chartered municipalities of the Northern Mariana Islands in one house of a bicameral legislature, notwithstanding other provisions of this Covenant or those provisions of the Constitution or laws of the United States applicable to the Northern Mariana Islands.

(d) The judicial power of the Northern Mariana Islands will be vested in such courts as the Constitution or laws of the Northern Mariana Islands may provide. The Constitution or laws of the Northern Mariana Islands may vest in such courts jurisdiction over all causes in the Northern Mariana Islands over which any court established by the Constitution or laws of the United States does not have exclusive jurisdiction.

**SECTION 204.** All members of the legislature of the Northern Mariana Islands and all officers and employees of the Government of the Northern Mariana Islands will be citizens of the United States unless earlier approved or disapproved. If disapproved by the Northern Mariana Islands on the day preceding the effective date of this Section, who, on that date, are not citizens or nationals of the United States under any other provision of law, and who on that date do not owe allegiance to any foreign state, are declared to be citizens of the United States, except as otherwise provided in Section 302:

(a) All persons born in the Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, who, on that date, are domiciled in the Northern Mariana Islands or in the United States or any territory or possession thereof;

(b) All persons who, on or before the age of 18 years, whichever date is the later, become a national but not a citizen of the United States, and who, unless under age, registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1973, and

(c) All persons domiciled in the Northern Mariana Islands on the day preceding the effective date of this Section, who, although not citizens of the Trust Territory of the Pacific Islands, on that date, have been domiciled continuously in the Northern Mariana Islands beginning prior to January 1, 1974.

**SECTION 302.** Any person who becomes a citizen of the United States solely by virtue of the provisions of Section 301 may within six months after the effective date of that Section or within six months after reaching the age of 18 years, whichever date is the later, become a national but not a citizen of the United States by making a declaration under oath before any court established by the Constitution or laws of the United States or any court of record in the Commonwealth in the form as follows:...being duly sworn, hereby declare my intention to be a national but not a citizen of the United States.

**SECTION 303.** All persons born in the Commonwealth on or after the effective date of this Section and subject to the jurisdiction of the United States will be citizens of the United States at birth.

**SECTION 304.** Citizens of the Northern Mariana Islands will be entitled to all privileges and immunities of citizens in the several States of the United States.
“ARTICLE IV
“JUDICIAL AUTHORITY

“SECTION 401. The United States will establish for and within the Northern Mariana Islands a court of record to be known as the ‘District Court for the Northern Mariana Islands’. The Northern Mariana Islands will constitute a part of the same judicial circuit of the United States as Guam.

“SECTION 402. (a) The District Court for the Northern Mariana Islands will have the jurisdiction of a district court of the United States, and will proceed in all cases arising under the Constitution, treaties or laws of the United States it will have jurisdiction regardless of the sum or value of the matter in controversy.

“(b) The District Court will have original jurisdiction in all cases in the Northern Mariana Islands not described in Subsection (a) jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the District Court solely on the basis of this subsection, the District Court will be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.

“(c) The District Court will have such appellate jurisdiction as the Constitution or laws of the Northern Mariana Islands may provide. When it sits as an appellate court, the District Court will consist of three judges, at least one of whom will be a judge of a court of record of the Northern Mariana Islands.

“SECTION 403. (a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus and other matters or proceedings will be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in matters and proceedings, except as otherwise provided in this Article; provided that for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States Court of Appeals for the judicial circuit which includes the Northern Mariana Islands will have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties or laws of the United States, or any authority exercised thereunder, unless those cases are reviewable in the District Court for the Northern Mariana Islands pursuant to Subsection 402(c).

“(b) Those portions of Title 28 of the United States Code which apply to Guam or the District Court for the Northern Mariana Islands will be applicable to the Northern Mariana Islands, as they apply to the Trust Territory of the Pacific Islands, will not apply to the Northern Mariana Islands, as they apply to the Trust Territory of the Pacific Islands until termination of the Trusteeship Agreement, and will thereafter be inapplicable.

“(b) The laws of the United States regarding coastal shipments and the conditions of employment, including the wages and hours of employees, will apply to the activities of the United States Government and its contractors in the Northern Mariana Islands.

“SECTION 503. The following laws of the United States, presently inapplicable to the Trust Territory of the Pacific Islands, will not apply to the Northern Mariana Islands:

“(1) those laws which provide federal services and financial assistance programs and the federal banking laws as they apply to Guam; Section 228 of Title II and Title XVI of the Social Security Act as it applies to the several States; the Public Health Service Act as it applies to the Virgin Islands; and the Micronesian Claims Act as it applies to the Trust Territory of the Pacific Islands;

“(2) those laws not described in paragraph (1) which are applicable to Guam and which are of general application to the several States as they are applicable to the several States; and

“(3) those laws not described in paragraph (1) or (2) which are applicable to the Trust Territory of the Pacific Islands, but not their subsequent amendments unless specifically made applicable to the Northern Mariana Islands, as they apply to the Trust Territory of the Pacific Islands until termination of the Trusteeship Agreement, and will thereafter be inapplicable.

“(b) The laws of the United States regarding coastal shipments and the conditions of employment, including the wages and hours of employees, will apply to the activities of the United States Government and its contractors in the Northern Mariana Islands.

“(b) those laws not described in paragraph (1) or (2) which are applicable to the Trust Territory of the Pacific Islands, but not their subsequent amendments unless specifically made applicable to the Northern Mariana Islands, as they apply to the Trust Territory of the Pacific Islands until termination of the Trusteeship Agreement, and will thereafter be inapplicable.


“SECTION 504. The President will appoint a Commission on Federal Laws to survey the laws of the United States against foreign vessels landing fish or unfinished fish products in the United States; and

“(a) except as otherwise provided in Subsection (b) of Section 502, the coastwise laws of the United States and any prohibition in the laws of the United States against foreign vessels landing fish or unfinished fish products in the United States; and

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law and the provisions and purposes of this Covenant. The United States will bear the cost of the work of the Commission.

§ 605. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and its local municipalities, and all other Executive and District orders of a local nature applicable to the Northern Mariana Islands on the effective date of this Section and not inconsistent with this Covenant or with those provisions of the Constitution, treaties or laws of the United States applicable to the Northern Mariana Islands will remain in force and effect until and unless altered by the Government of the Northern Mariana Islands.


 "ARTICLE VI"

 "REVENUE AND TAXATION"

 "SECTION 601. (a) The income tax laws in force in the United States will come into force in the Northern Mariana Islands as a local territorial income tax on the first day of January following the effective date of this Section, in the same manner as those laws are in force in Guam.

 (b) Any individual who is a citizen or a resident of the United States, of Guam, or of the Northern Mariana Islands (including a national of the United States who holds a green card), will file only one income tax return with respect to his income, in a manner similar to the provisions of Section 935 of Title 26, United States Code.

 (c) References in the Internal Revenue Code to Guam will be deemed also to refer to the Northern Mariana Islands, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof of this Covenant.

 "SECTION 602. The Government of the Northern Mariana Islands may by local law impose such taxes, in addition to those imposed under Section 601, as it deems appropriate and provide for the rebate of any taxes received by it, except that the power of the Government of the Northern Mariana Islands to impose any customs duties on the property, activities or instrumentalities of the United States which one of the several States may impose; nor will any provision of this Article be deemed to affect the operation of the Soldiers and Sailors Civil Relief Act of 1940, as amended, which will be applicable to the Northern Mariana Islands as it is applicable to Guam.

 "SECTION 606. (a) Not later than at the time this Covenant is approved, that portion of the Trust Territory Social Security Retirement Fund attributable to the Northern Mariana Islands will be transferred to the Treasury of the United States, to be held in trust as a separate fund to be known as the ‘Northern Mariana Islands Social Security Retirement Fund.’ This fund will be administered by the United States in accordance with the social security laws of the Trust Territory of the Pacific Islands in effect at the time of such transfer, which may be modified by the Government of the Northern Mariana Islands only in a manner which does not create any additional differences between the social security laws of the Trust Territory of the Pacific Islands and the laws described in Subsection (b).

 (b) Those laws of the United States which impose excise and self-employment taxes to support or which provide benefits from the United States applicable to the Northern Mariana Islands as they apply to Guam. (As amended Pub. L. 98–213, § 9, Dec. 8, 1983, 97 Stat. 1461.)

 "(c) At such time as the laws described in Subsection (b) become applicable to the Northern Mariana Islands:

 (1) the Northern Mariana Islands Social Security Retirement Fund will be transferred into the appropriate Federal Social Security Trust Funds;

 (2) prior contributions by or on behalf of persons domiciled in the Northern Mariana Islands to the Trust Territory Social Security Retirement Fund or the Northern Mariana Islands Social Security Retirement Fund will be considered to have been made to the appropriate Federal Social Security Trust Funds for the purpose of determining eligibility of those persons in the Northern Mariana Islands for benefits under those laws and

 (3) persons domiciled in the Northern Mariana Islands who are eligible for or entitled to social security benefits under the laws of the Trust Territory of the Pacific Islands or of the Northern Mariana Islands will not lose their entitlement and will be eligible for or entitled to benefits under the laws described in Subsection (b).

 "SECTION 607. (a) All bonds or other obligations issued by the Government of the Northern Mariana Islands or by its authority will be exempt, as to principal and interest, from taxation by the United States, or by any State, territory or possession of the United States, upon any political subdivision of any of them.

 (b) During the initial seven year period of financial assistance provided for in Section 702, and during such subsequent periods of financial assistance as may be agreed, the Government of the Northern Mariana Islands or its political subdivisions will not be deemed to authorize the Government of the Northern Mariana Islands to impose any custom taxes on the property of the United States or on the personal property of military or civilian personnel of the United States Government or their dependents entering or leaving the Northern Mariana Islands pursuant to their contract of employment or orders assigning them to or from the Northern Mariana Islands or to impose any taxes on the property, activities or instrumentalities of the United States which one of the several States may impose; nor will any provision of this Article be deemed to affect the operation of the Soldiers and Sailors Civil Relief Act of 1940, as amended, which will be applicable to the Northern Mariana Islands as it is applicable to Guam.

 "SECTION 608. Nothing in this Article will be deemed to affect the operation of the Trust Territory of the Pacific Islands, or the Northern Mariana Islands as they apply to Guam.

solely from revenues derived from any public improvement or undertaking) in excess of ten percent of the aggregate assessed valuation of the property within the Northern Mariana Islands.

“ARTICLE VII

“UNITED STATES FINANCIAL ASSISTANCE

“SECTION 701. The Government of the United States will assist the Government of the Northern Mariana Islands in its efforts to achieve a progressively higher standard of living for its people as part of the American economic community and to develop the economic resources needed to meet the financial responsibilities of local self-government. To this end, the United States will provide direct multi-year financial support to the Government of the Northern Mariana Islands for local government operations, for capital improvement programs and for economic development. The initial period of such support will be seven years, as provided in Section 702.

“SECTION 702. Approval of this Covenant by the United States will constitute a commitment and pledge of the full faith and credit of the United States for the payment, as well as an authorization for the appropriation, of the following guaranteed annual levels of direct grant assistance to the Government of the Northern Mariana Islands for each of the seven fiscal years following the effective date of this Section:

“(a) $8.25 million for budgetary support for government operations, of which $250,000 each year will be reserved for a special education training fund connected with the change in the political status of the Northern Mariana Islands;

“(b) $4 million for capital improvement projects, of which $500,000 each year will be reserved for such projects on the Island of Tinian and $500,000 each year will be reserved for such projects on the Island of Rota; and

“(c) $1.75 million for an economic development loan fund, of which $500,000 each year will be reserved for small loans to farmers and fishermen and to agricultural and marine cooperatives, and of which $250,000 each year will be reserved for a special program of low interest housing loans for low income families.

“SECTION 703. (a) The United States will make available to the Northern Mariana Islands the full range of federal programs and services available to the territories of the United States. Funds provided under Section 702 will be considered to be local revenues when used as the local share required to obtain federal programs and services. (As amended Pub. L. 104–208, div. A, title I, §101(d) (title I), Sept. 30, 1996, 110 Stat. 3009–181, 3009–186.)

“(b) There will be paid into the Treasury of the Government of the Northern Mariana Islands, to be expended to the benefit of the people thereof as that Government may by law prescribe, the proceeds of all customs duties and federal income taxes derived from the Northern Mariana Islands, the proceeds of all taxes collected under the internal revenue laws of the United States and transported to the United States, its territories or possessions, or consumed in the Northern Mariana Islands, except that nothing in this Section shall be construed to apply to any tax imposed by Chapters 2 or 21 of Title 26, United States Code. (As amended Pub. L. 110–229, title VII, §702(g)(1)(C), May 8, 2008, 122 Stat. 864.)

“SECTION 704. (a) Funds provided under Section 702 not obligated or expended by the Government of the Northern Mariana Islands during any fiscal year will remain available for obligation or expenditure by that Government in subsequent fiscal years for the purposes for which the funds were appropriated.

“(b) Approval of this Covenant by the United States will constitute an authorization for the appropriation of a pro-rata share of the funds provided under Section 702 for the period between the effective date of this Section and the beginning of the next succeeding fiscal year.

“(c) The amounts stated in Section 702 will be adjusted for each fiscal year by a percentage which will be the same as the percentage change in the United States Department of Commerce composite price index using the beginning of Fiscal Year 1975 as the base.

“(d) Upon expiration of the seven year period of guaranteed annual direct grant assistance provided by Section 702, the annual level of payments in each category listed in Section 702 will continue until Congress appropriates a different amount or otherwise provides by law.

“ARTICLE VIII

“PROPERTY

“SECTION 801. All right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to real property in the Northern Mariana Islands on the date of the signing of this Covenant or thereafter acquired in any manner whatsoever will, no later than upon the termination of the Trusteehip Agreement, be transferred to the Government of the Northern Mariana Islands. All right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to all personal property on the date of the signing of this Covenant or thereafter acquired in any manner whatsoever will, no later than upon the termination of the Trusteehip Agreement, be distributed equitably in a manner to be determined by the Government of the Trust Territory of the Pacific Islands in consultation with those concerned, including the Government of the Northern Mariana Islands.

“SECTION 802. (a) The following property will be made available to the Government of the United States by lease to enable it to carry out its defense responsibilities:

“(1) on Tinian Island, approximately 17,799 acres (7,203 hectares) and the waters immediately adjacent thereto;

“(2) on Saipan, approximately 177 acres (72 hectares) at Tanapag Harbor; and

“(3) on Farallon de Medinilla Island, approximately 206 acres (83 hectares) encompassing the entire island, and the waters immediately adjacent thereto.

“(b) The United States affirms that it has no present need for or present intention to acquire any greater interest in property listed above than that which is granted to it under Subsection 802(a), or to acquire any property in addition to that listed in Subsection (a), above, in order to carry out its defense responsibilities.

“SECTION 803. (a) The Government of the Northern Mariana Islands will lease the property described in Subsection 802(a) to the Government of the United States for a term of fifty years, and the Government of the United States will have the option of renewing this lease for all or part of such property for an additional term of fifty years if it so desires at the end of the first term.

“(b) The Government of the United States will pay to the Government of the Northern Mariana Islands in full settlement of this lease, including the second fifty year term of the lease if extended under the renewal option, the total sum of $19,520,600, determined as follows:

“(1) for that property on Tinian Island, $3,275,100;

“(2) for that property at Tanapag Harbor on Saipan Island, $2 million; and

“(3) for that property known as Farallon de Medinilla, $20,600.

The sum stated in this Subsection will be adjusted by a percentage which will be the same as the percentage change in the United States Department of Commerce composite price index from the date of signing the Covenant.

“(c) A separate ‘Technical Agreement Regarding Use of Land To Be Leased by the United States in the
Northern Mariana Islands will be executed simultaneously with this Covenant. The terms of the lease to the United States will be in accordance with this Section and with the terms of the Technical Agreement. The Technical Agreement will also contain terms relating to the leaseback of property, to the joint use arrangements for San Jose Harbor and West Field on Tinian Island, and with the social structure relations between the United States military and the Northern Mariana Islands civil authorities.

(d) From the property to be leased to it in accordance with this Covenant the Government of the United States will lease back to the Government of the Northern Mariana Islands, in accordance with the Technical Agreement, for the sum of one dollar per acre per year, approximately 6,458 acres (2,614 hectares) on Tinian Island and approximately 44 acres (18 hectares) at Tanapag Harbor on Saipan Island, which will be used for purposes compatible with their intended military use.

(e) From the property to be leased to it at Tanapag Harbor on Saipan Island the Government of the United States will make available to the Government of the Northern Mariana Islands 133 acres (54 hectares) at no cost. This property will be set aside for public use as an American memorial park to honor the American Marianas dead in the World War II Marianas Campaign. The $2 million received from the Government of the United States for the lease of this property will be placed into a trust fund, and used for the development and maintenance of the park in accordance with the Technical Agreement.

SECTION 804. (a) The Government of the United States will cause all agreements between it and the Government of the Trust Territory of the Pacific Islands which grant to the Government of the United States use or other rights in real property in the Northern Mariana Islands to be terminated upon or before the effective date of the Section. All right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to any real property with respect to which the Government of the United States enjoys such use or other rights will be transferred to the Government of the Northern Mariana Islands at the time of such termination. From the time such right, title and interest is so transferred the Government of the Northern Mariana Islands will assure the Government of the United States the continued use of the real property then actively used by the Government of the United States for civilian governmental purposes on terms comparable to those enjoyed by the Government of the United States under its arrangements with the Government of the Trust Territory of the Pacific Islands on the effective date of this Covenant.

(b) All facilities at Isely Field developed with federal aid and all facilities at that field usable for the leaseback and take-off of aircraft will be available to the United States for use by military and naval aircraft, in common with other aircraft, at all times without charge, except, if the use by military and naval aircraft shall be substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities so used may be charged at a rate established by agreement between the Government of the Northern Mariana Islands and the Government of the United States.

SECTION 805. Except as otherwise provided in this Article, and notwithstanding the other provisions of this Covenant, or those provisions of the Constitution, treaties or laws of the United States applicable to the Northern Mariana Islands, the Government of the Northern Mariana Islands, in view of the importance of Tinian Island, and to the protection of the people of the Northern Mariana Islands, and in order to protect them against exploitation and to promote their economic advancement and self-sufficiency:

(c) Until twenty-five years after the termination of the Trusteeship Agreement, and may thereafter, regulate the alienation of permanent and long-term interests in real property so as to restrict the acquisition of such interests to persons of Northern Mariana Islands descent; and

(d) may regulate the alienation to which a person may own or hold land which is now public land.

SECTION 806. (a) The United States will continue to recognize and respect the security and sanctity of the ownership and occupancy rights in land in the Northern Mariana Islands. If the United States must acquire any interest in real property not transferred to it under this Covenant, it will follow the policy of seeking to acquire only the minimum area necessary to accomplish the public purpose for which the real property is required, of seeking only the minimum interest in real property necessary to support such public purpose, and of not exercising the power of eminent domain if a lesser interest is obtained, and of seeking first to satisfy its requirement by acquiring an interest in public rather than private real property.

(b) The United States may, upon prior written notice to the Government of the Northern Mariana Islands, acquire for public purposes in accordance with federal laws and procedures any interest in real property in the Northern Mariana Islands by purchase, lease, exchange, gift or otherwise under such terms and conditions as may be negotiated by the parties. The United States will in all cases attempt to acquire any interest in real property for public purposes by voluntary means under this Subsection before exercising the power of eminent domain. No interest in real property will be acquired unless duly authorized by the Congress of the United States and appropriations are available therefor.

(c) In the event the United States to obtain an interest in real property under Section 806. (a) the United States to obtain an interest in real property public purposes purposes by voluntary means, it may exercise within the Commonwealth the power of eminent domain to the same extent and in the same manner as it has and can exercise the power of eminent domain in a State of the Union. The power of eminent domain will be exercised within the Commonwealth only to the extent necessary and in compliance with applicable United States laws, and with full recognition of the due process required by the United States Constitution.

"ARTICLE IX"

"NORTHERN MARIANA ISLANDS REPRESENTATIVE AND CONSULTATION"

SECTION 901. The Constitution or laws of the Northern Mariana Islands may provide for the appointment by the President or a successor of a Resident Commissioner, or such other representative to the Congress of the United States, whose term of office will be two years, unless otherwise determined by local law, and who will be entitled to receive official recognition as such Representative by all of the departments and agencies of the Government of the United States upon presentation through the Department of State of a certificate of selection from the Governor. The Representative must be a citizen and resident of the Northern Mariana Islands, at least twenty-five years of age, and, after termination of the Trusteeship Agreement, a citizen of the United States.

SECTION 902. The Government of the United States and the Government of the Northern Mariana Islands will consult regularly on all matters affecting the relationship between them. At the request of either Government, and not less frequently than every ten years, the President of the United States and the Governor of the Northern Mariana Islands will designate special representatives to meet and to consider in good faith such issues affecting the relationship between the Northern Mariana Islands and the United States as may be designated by either Government and to make a report and recommendations with respect thereto. Special representatives will be appointed in any event to consider and to make recommendations regarding future multi-year financial assistance to the Northern Mariana Islands pursuant to Section 1601, to meet at least one year prior to the expiration of every period of such financial assistance.
“SECTION 903. Nothing herein shall prevent the presentation of cases or controversies arising under this Covenant to courts established by the Constitution or laws of the United States. It is intended that any such cases or controversies will be justiciable in such courts and that the undertakings by the Government of the United States and by the Government of the Northern Mariana Islands provided for in this Covenant will be enforceable in such courts.

“SECTION 904. (a) The Government of the United States will give sympathetic consideration to the views of the Government of the Northern Mariana Islands on international matters directly affecting the Northern Mariana Islands and will provide opportunities for the effective participation of the Northern Mariana Islands in the United Nations and in other international organizations concerning social, economic, educational, scientific, technical and cultural matters when similar opportunities are provided to any other territory or possession of the United States under comparable circumstances.

(b) The United States will assist and facilitate the establishment by the Northern Mariana Islands of offices in the United States and abroad to promote local tourism and other economic or cultural interests of the Northern Mariana Islands.

(c) In its request the Northern Mariana Islands may participate in regional and other international organizations. Participation is authorized for any other territory or possession of the United States under comparable circumstances.

“ARTICLE X

“APPROVAL, EFFECTIVE DATES, AND DEFINITIONS

“SECTION 1001. (a) This Covenant will be submitted to the Mariana Islands District Legislature for its approval. After its approval by the Mariana Islands District Legislature, this Covenant will be submitted to the people of the Northern Mariana Islands for approval in a plebiscite to be called by the United States. Only persons who are domiciled exclusively in the Northern Mariana Islands and who meet such other qualifications, including timely registration, as are promulgated by the United States as administering authority, will be eligible to vote in the plebiscite. Approval must be by a majority of at least 55% of the valid votes cast in the plebiscite. The results of the plebiscite will be certified to the President of the United States.

(b) This Covenant will be approved by the United States in accordance with its constitutional processes and will thereupon become law.

“SECTION 1002. The President of the United States will issue a proclamation announcing the termination of the Trusteehip Agreement, or the date on which the Trusteehip Agreement will terminate, and the establishment of the Commonwealth in accordance with this Covenant. Any determination by the President that the Trusteehip Agreement has been terminated or will be terminated on a day certain will be final and will not be subject to review by any authority, judicial or otherwise, of the Trust Territory of the Pacific Islands, the Northern Mariana Islands or the United States.

“SECTION 1003. The provisions of this Covenant will become effective as follows, unless otherwise specifically provided:

(a) Sections 105, 201–203, 503, 504, 606, 801, 903 and Article X will become effective on approval of this Covenant;

(b) Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 505, 601–605, 607, Article VII, Sections 802–805, 901 and 902 will become effective on a date to be determined and proclaimed by the President of the United States which will be not more than 180 days after this Covenant and the Constitution of the Northern Mariana Islands have both been approved; and

(c) The remainder of this Covenant will become effective upon the termination of the Trusteehip Agreement and the establishment of the Commonwealth of the Northern Mariana Islands.

“SECTION 1004. (a) The application of any provision of the Constitution or laws of the United States which would otherwise apply to the Northern Mariana Islands may be suspended until termination of the Trusteehip Agreement if the President finds and declares that the application of such provision prior to termination would be inconsistent with the Trusteehip Agreement.

(b) The Constitution of the Northern Mariana Islands will become effective in accordance with its terms on the same day that the provisions of this Covenant specified in Subsection 1003(b) become effective, provided that if the President finds and declares that the effectiveness of any provision of the Constitution of the Northern Mariana Islands prior to termination of the Trusteehip Agreement would be inconsistent with the Trusteehip Agreement such provision will be ineffective until termination of the Trusteehip Agreement. Upon the establishment of the Commonwealth of the Northern Mariana Islands the Constitution will become effective in its entirety in accordance with its terms as the Constitution of the Commonwealth of the Northern Mariana Islands.

“SECTION 1005. As used in this Covenant:


(b) ‘Northern Mariana Islands’ means the area now known as the Mariana Island District of the Trust Territory of the Pacific Islands, which lies within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude and east of 144° east longitude.

(c) ‘Government of the Northern Mariana Islands’ includes, as appropriate, the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands at the time this Covenant is signed, its agencies and instrumentalities, and its successors, including the Government of the Commonwealth of the Northern Mariana Islands.

(d) ‘Territory or possession’ with respect to the United States includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) ‘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.

Signed at Saipan, Mariana Islands on the fifteenth day of February, 1975.

For the people of the Northern Mariana Islands:

EDWARD DLG. PANGELINAN,
Chairman, Marinas Political Status Commission.

VICENTE N. SANTOS,
Vice Chairman, Marinas Political Status Commission.

For the United States of America:

AMBASSADOR F. HAYDN WILLIAMS,
Personal Representative of the President of the United States.

“Members of the Marinas Political Status Commission:

JUAN LQ. CARRERA,
VICENTE T. CAMACHO,
JOSER R. CRUZ,
BERNARD V. HOFSCHEIDER,
BRAM ANTONIO,
DANIEL T. MUNA,
DR. FRANCISCO T. PALACIOS,
JOAQUIN I. PANGELINAN,
MANUEL A. SARLAN,
JOANNE B. TAMAINAO,
PEDRO A. TENORIO.”

[Pub. L. 110–229, title VII, § 702(e)(2), May 8, 2008, 122 Stat. 884, provided that: “The amendments made by paragraph (1) [amending Covenant set out above] shall take effect on the transition program effective date date-
scribed in section 6 of Public Law 94-241 [48 U.S.C. 1806] (as added by subsection (a)]."

PROC. NO. 4534. CONSTITUTION OF NORTHERN MARIANA ISLANDS

PROC. NO. 4534, Oct. 24, 1977, 42 F.R. 56593, provided:

On February 15, 1975, the Marianas Political Status Commission, the duly appointed representative of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States signed a Covenant, the purpose of which is to provide for the eventual establishment of a Commonwealth of the Northern Mariana Islands in political union with the United States of America [set out above]. This Covenant was subsequently approved by the Mariana Islands District Legislature and by the people of the Northern Mariana Islands voting in a plebiscite. The Covenant was approved by the Congress of the United States by resolution approved March 24, 1976 (Public Law 94-241; 90 Stat. 263) [48 U.S.C. 1801 et seq.].

On expiration with the provisions of Article II of the Covenant, the people of the Northern Mariana Islands have formulated and approved a Constitution which was submitted to me on behalf of the Government of the United States on April 21, 1977, for approval on the basis of its consistency with the Covenant and those provisions of the Constitution, treaties and laws of the United States to be applicable to the Northern Mariana Islands. Pursuant to the provisions of Section 202 of the Covenant, the Constitution of the Northern Mariana Islands will be deemed to have been approved by the Government of the United States six months after the date of submission to the President unless sooner approved or disapproved.

November period of Section 202 of the Covenant having expired on October 22, 1977, I am pleased to announce that the Constitution of the Northern Mariana Islands is hereby deemed approved.

I am satisfied that the Constitution of the Northern Mariana Islands complies with the requirements of Article II of the Covenant. I have also received advice from the Senate Committee on Energy and Natural Resources and the Subcommittee on National Parks and Insular Affairs of the House Committee on Interior and Insular Affairs that the Constitution complies with those requirements.

Sections 1003(b) and 1004(b) of the Covenant provide that the Constitution of the Northern Mariana Islands and the provisions specified in Section 1003(b) of the Covenant shall become effective on a date proclaimed by the President which will be not more than 180 days after the Covenant and the Constitution of the Northern Mariana Islands have both been approved.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim as follows:

SECTION 1. The Constitution of the Northern Mariana Islands shall come into full force and effect at eleven o'clock on the morning of January 9, 1978, Northern Mariana Islands local time.

Sect. 2. Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 505, 601-605, 607, Article VII, Sections 802-805, 901 and 902 of the Constitution shall come into full force and effect on the date and at the time specified in Section 1 of this Proclamation.

Sect. 3. The authority of the President under Section 1004 of the Covenant to suspend the application of any provision of law to or in the Northern Mariana Islands until the termination of the Trusteeship Agreement is hereby reserved.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of October, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.

JIMMY CARTER.

PROCLAMATION NO. 4568

PROC. NO. 4568, May 9, 1978, 43 F.R. 19999, related to application of certain United States laws to the Northern Mariana Islands until termination of Trusteeship Agreement.

PROCLAMATION NO. 4726

PROC. NO. 4726, Feb. 21, 1980, 45 F.R. 12369, related to application of certain United States laws to the Northern Mariana Islands until termination of Trusteeship Agreement.

PROCLAMATION NO. 4938

PROC. NO. 4938, May 3, 1982, 47 F.R. 19367, related to application of certain United States laws to the Northern Mariana Islands until termination of Trusteeship Agreement.

PROCLAMATION NO. 5297

PROC. NO. 5297, June 7, 1984, 49 F.R. 24365, related to application of certain laws of the United States to citizens of the Northern Mariana Islands until establishment of Commonwealth of Northern Mariana Islands.

PROC. NO. 5564. COVENANT WITH COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND COMPACTS OF FREE ASSOCIATION WITH FEDERATED STATES OF MICRONESIA, AND REPUBLIC OF THE MARSHALL ISLANDS; EFFECTIVE DATES

PROC. NO. 5564, Nov. 3, 1986, 51 F.R. 40399, provided:

Since July 18, 1947, the United States has administered the United Nations Trust Territory of the Pacific Islands ("Trust Territory"), which includes the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau.

On May 15, 1975, after extensive status negotiations, the United States and the Mariana Political Status Commission concluded a Covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States ("Covenant") [set out above], Sections 101, 1002, and 1003(c) of the Covenant provide that the Northern Mariana Islands will become a self-governing Commonwealth in political union with and under the sovereignty of the United States. This Covenant was approved by the Congress by Public Law 94-241 of March 24, 1976, 90 Stat. 263 [48 U.S.C. 1801 et seq.]. Although many sections of the Covenant became effective in 1976 and 1978, certain sections have not previously entered into force.

On October 1, 1982, the Government of the United States and the Government of the Federated States of Micronesia concluded a Compact of Free Association, establishing a relationship of Free Association between the two Governments [see Compact of Free Association, 48 U.S.C. 1901 note]. On June 25, 1983, the Government of the United States and the Government of the Marshall Islands concluded a Compact of Free Association, establishing a relationship of Free Association between the two Governments [see Compact of Free Association, 48 U.S.C. 1901 note]. Pursuant to Sections 111 and 121 of the Compacts, the Federated States of Micronesia and the Republic of the Marshall Islands become self-governing and have the right to conduct foreign affairs in their own name and right upon the effective date of their respective Compacts. Each Compact comes into effect upon (1) mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the other Government; (2) the approval of the Compact by the two Governments, in accordance with their constitutional processes; and (3) the conduct of a referendum in that jurisdiction. In the Federated States of Micronesia, the Compact has been approved by the Government in accordance with its constitutional processes, and in a United Nations-observed plebiscite on June 22, 1983, a sovereign act of self-determination. In the Marshall Islands, the Compact has been approved by the Government in accordance with its constitutional processes, and in a United Nations-observed plebiscite on September 7, 1983, a sovereign act of self-determination. In the United States the Compacts have been ap-
To the Federated States of Micronesia, and as of November 3, 1986, with respect to the Northern Mariana Islands. This constitutes the determination referred to in Section 1002 of the Covenant.

SIC. 2. (a) Sections 101, 104, 301, 302, 303, 506, 806, and 901 of the Covenant are effective as of 12:01 a.m., November 4, 1986. Northern Mariana Islands local time.

(b) The Commonwealth of the Northern Mariana Islands in political union with and under the sovereignty of the United States of America is fully established on the date and at the time specified in Section 2(a) of this Proclamation.

(c) The domiciliaries of the Northern Mariana Islands are citizens of the United States to the extent provided for in Sections 301 through 303 of the Covenant on the date and at the time specified in this Proclamation.

(d) I welcome the Commonwealth of the Northern Mariana Islands into the American family and congratulate our new fellow citizens.

SIC. 3. (a) The Compact of Free Association with the Republic of the Marshall Islands is in full force and effect as of October 21, 1986, and the Compact of Free Association with the Federated States of Micronesia is in full force and effect as of November 3, 1986.

(b) I am gratified that the people of the Federated States of Micronesia and the Republic of the Marshall Islands, after nearly forty years of Trusteeship, have freely chosen to establish a relationship of Free Association with the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of November, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

RONALD REAGAN.

EX. ORD. No. 12572. RELATIONS WITH NORTHERN MARIANA ISLANDS

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that, consistent with 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,” approved March 24, 1976 (Public Law 94–241; 90 Stat. 263) (48 U.S.C. 1901 et seq.), the relations of the United States with the Government of the Northern Mariana Islands shall, in all matters not the program responsibility of another Federal department or agency, be under the general administrative supervision of the Secretary of the Interior.

RONALD REAGAN.

§ 1802. Consideration of issues affecting relations with United States

It is the sense of the Congress that pursuant to section 902 of the foregoing Covenant, and in any case within ten years from March 24, 1976, the President of the United States should request, on behalf of the United States, the designation of special representatives to meet and to consider in good faith such issues affecting the relationship between the Northern Mariana Islands and the United States as may be designated by either Government and to make a report and recommendations with respect thereto.


REFERENCES IN TEXT

The Covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

CODIFICATION

Section was formerly set out as a note under section 1801 of this title.
§ 1803. Financial assistance to Government of Northern Mariana Islands

Pursuant to section 701 of the foregoing Covenant, enactment of this section shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $228 million at guaranteed annual amounts of direct grant assistance for the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in section 702 of said Covenant, which assistance shall be provided according to the schedule of payments contained in the Agreement of the Special Representatives on Future Federal Financial Assistance for the Government of the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a ¼ share and the island of Saipan shall receive no less than a ¼ share of annualized capital improvement project funds, which shall be no less than 80 per centum of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives. Funds shall be granted according to such regulations as are applicable to such grants.


REFERENCES IN TEXT
The Covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

Codification
Section was formerly set out as a note under section 1801 of this title.

USE OF ECONOMIC DEVELOPMENT LOAN FUNDS FOR CAPITAL IMPROVEMENT PROJECTS
Pub. L. 99–396, §2, Aug. 27, 1986, 100 Stat. 838, authorized use of up to $4,000,000 of funds reserved for use by the economic development loan fund, as established under section 702(c) of the Covenant, for capital improvement projects, if such funds became available for use by the economic development loan fund, and were not obligated for economic development loans.

§ 1804. Direct grant assistance

(a) Composite price index adjustments not applicable
Section 704(c) of the foregoing Covenant shall not apply to the Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 1803 of this title.

(b) Additional years of assistance
Upon the expiration of the period of Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 1803 of this title, payments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years except that, for fiscal years 1996 through 1999, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,420,000. Such payments shall be subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) of this section until Congress otherwise provides by law.

(c) Specific allocations for capital infrastructure projects
The additional amounts referred to in subsection (b) of this section shall be made available to the Governor for obligation as follows:

(1) for fiscal years 1996 through 1999, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 1904(e)(6) of this title;

(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $3,000,000 for resettlement of Rongelap Atoll; and

(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands, except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded: Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress

1 See References in Text note below.
2 So in original. The word “and” probably should not appear.
3 So in original. Probably should be followed by a colon.
projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.\(^4\)

\(^{4}\) for fiscal year 2000, $5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.

(d) Resettlement of Rongelap Atoll

Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c) of this section, additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided. That the total of all contributions from any Federal source after April 26, 1996, may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap\(^5\) Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 1905(c)(2) of this title including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the President notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.


References in Text

The Covenant, referred to in subsection (a), is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

Section 1904(e)(6) of this title, referred to in subsection (c)(1), was in the original “section 104(c)(6) of Public Law 99–239”, which was translated as meaning section 104(e)(6) of Pub. L. 99–239 to reflect the probable intent of Congress.

Amendments

2008—Subsec. (c)(3). Pub. L. 110–229 substituted “Marshall Islands, except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress” for “Marshall Islands”.


1995—Subsec. (b). Pub. L. 104–134 substituted “except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,520,000. Such payments shall be” for “$11,000,000 annually, upon the condition that the settlement of all obligations of the United States to the Northern Mariana Islands in writing with the representatives of the Governor of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) of this section until Congress otherwise provides by law,” for “‘until Congress otherwise provides by law,’” and inserted a period at end.

Subsecs. (c), (d). Pub. L. 104–134 added subsecs. (c) and (d).

§ 1805. Failure to meet performance standards; resolution of issues; withholding of funds

Should the Secretary of the Interior believe that the performance standards of the agreement identified in section 1803 of this title are not being met, he shall notify the Congress of the Northern Mariana Islands in writing with
the intent to resolve such issue in a mutually agreeable and expeditious manner and notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Should the issue not be resolved within thirty days after the notification is received by the Governor of the Northern Mariana Islands, the Secretary of the Interior may request authority from Congress to withhold payment of an appropriate amount of the operations funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives for a period of less than one year but no funds shall be withheld except by Act of Congress.


CODIFICATION
Section was formerly set out as a note under section 1681 of this title.

CHANGE OF NAME
Committee on Interior and Insular Affairs of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 5, One Hundred Third Congress, Jan. 5, 1993.

§ 1806. Immigration and transition
(a) Application of the Immigration and Nationality Act and establishment of a transition program
(1) In general
Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after May 8, 2008 (hereafter referred to as the “transition program effective date”), the provisions of the “immigration laws” (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the “Commonwealth”), except as otherwise provided in this section.

(2) Transition period
There shall be a transition period beginning on the transition program effective date and ending on December 31, 2014, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the “transition program”).

(3) Delay of commencement of transition period
(A) In general
The Secretary of Homeland Security, in the Secretary’s sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

(B) Congressional notification
The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

(C) Congressional review
A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

(4) Requirement for regulations
The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

(5) Interagency agreements
The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

(6) Certain education funding
In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of $150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

(7) Asylum
Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

(b) Numerical limitations for nonimmigrant workers
An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immig-
gration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

(c) Nonimmigrant investor visas

(1) In general


(A) has been admitted to the Commonwealth in long-term investor status under the immigration law of the Commonwealth before the transition program effective date;

(B) has continuously maintained residence in the Commonwealth under long-term investor status;

(C) is otherwise admissible; and

(D) maintains the investment or investments that formed the basis for such long-term investor status.

(2) Requirement for regulations

Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

(d) Special provision to ensure adequate employment; Commonwealth only transitional workers

An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basis to zero, during a period not to extend beyond December 31, 2014, unless extended pursuant to paragraph 5 of this subsection. In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admitted free association countries or other alien workers. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien’s authorized stay therein, without permission of the employee’s current or prior employer, within the alien’s occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

(5) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Interior, and the Governor of the Commonwealth, shall certify that the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require
alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary’s sole discretion.

(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth’s businesses;

(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

(iv) the number of unemployed alien workers in the Commonwealth;

(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

(e) Persons lawfully admitted under the Commonwealth immigration law

(1) Prohibition on removal

(A) In general

Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien’s presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

(i) of the completion of the period of the alien’s admission under the immigration laws of the Commonwealth; or

(ii) that is 2 years after the transition program effective date.

(B) Limitations

Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after May 8, 2008, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 702(i) of the Consolidated Natural Resources Act of 2008.

(2) Employment authorization

An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on or after the transition period effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

(A) of expiration of the alien’s employment authorization under the immigration laws of the Commonwealth; or

(B) that is 2 years after the transition program effective date.

(3) Registration

The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Consolidated Natural Resources Act of 2008. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) relating to the registration of aliens.

(4) Removable aliens

Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

(5) Prior orders of removal

The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date,
upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed from the United States or the Commonwealth pursuant to such order.

(f) Effect on other laws

The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

(g) Accrual of time for purposes of section 212(a)(9)(B) of the Immigration and Nationality Act

No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

(h) Report on nonresident guestworker population

The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after May 8, 2008. The report shall include—

1. the number of aliens residing in the Commonwealth;
2. a description of the legal status (under Federal law) of such aliens;
3. the number of years each alien has been residing in the Commonwealth;
4. the current and future requirements of the Commonwealth economy for an alien workforce; and
5. such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on May 8, 2008, to apply for long-term status under the immigration and nationality laws of the United States.

CONGRESSIONAL INTENT


“(a) Immigration and Growth.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this subtitle [subtitle A (§§701–705) of title VII of Pub. L. 110–229], enacting this section and sections 1101 and 1108 of this title, amending section 1804 of this title and sections 1101, 1158, 1182, 1184, and 1225 of Title 8, Immigration and Nationality, enacting provisions set out as notes under this section, section 1801 of this title, and section 1182 of Title 8, and amending provisions set out as notes under section 1801 of this title), this subtitle and the amendments made by this subtitle shall take effect on the date of enactment of this Act [May 8, 2008].

“(b) Amendments to the Immigration and Nationality Act.—The amendments to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) made by this subtitle [amending sections 1101, 1158, 1182, 1184, and 1225 of Title 8], and other provisions of this subtitle applying the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (48 U.S.C. 1806) (as added by section 702(a)), unless specifically provided otherwise in this subtitle.

“(c) Construction.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94–241 (48 U.S.C. 1806) (as added by section 702(a)) resident or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien’s presence in the Commonwealth before, on, or after the date of enactment of this Act [May 8, 2008] shall be considered to be presence in the United States.”

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (a), (d)(2), and (e)(3), (4), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality.


EFFECTIVE DATE

1807. Technical assistance program

(1) In general

The Secretary of the Interior, in consultation with the Governor of the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 1806(a)(4) of this title, as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admission citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) Consultation

In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities...
for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) Cost-sharing

For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.


REFERENCES IN TEXT

Section 1806(a)(4) of this title, as added by subsection (a), referred to in par. (1), probably means section 1806(a)(5) of this title, as added by subsection (a) of section 702 of Pub. L. 110–229.

CODIFICATION

Section was enacted as part of the Consolidated Natural Resources Act of 2008, and not as part of Pub. L. 94–241 which comprises this subchapter.

§ 1808. Operations

(1) Establishment

At any time on and after May 8, 2008, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 1806 of this title, as added by subsection (a).

(2) Personnel

To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).


REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in par. (1)(A), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

Section 1806 of this title, as added by subsection (a), referred to in par. (1)(B), is section 1806 of this title, as added by subsection (a) of section 702 of Pub. L. 110–229.

CODIFICATION

Section was enacted as part of the Consolidated Natural Resources Act of 2008, and not as part of Pub. L. 94–241 which comprises this subchapter.

SUBCHAPTER II—JUDICIAL MATTERS

§ 1821. District Court for the Northern Mariana Islands

(a) Establishment; judicial circuit; terms of court

There is established for and within the Northern Mariana Islands a court of record to be known as the District Court for the Northern Mariana Islands. The Northern Mariana Islands shall constitute a part of the same judicial circuit of the United States as Guam. Terms of court shall be held on Saipan and at such other places and at such times as the court may designate by rule or order.

(b) Appointment, tenure, removal, compensation, etc., of District Court judge; appointment of United States attorney and United States marshal

(1) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court for the Northern Mariana Islands who shall hold office for the term of ten years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

(2) The Chief Judge of the Ninth Judicial Circuit of the United States may assign justices of the High Court of the Trust Territory of the Pacific Islands or judges of courts of record of the Northern Mariana Islands who are licensed attorneys in good standing or a circuit or district judge of the ninth circuit, including a judge of the District Court of Guam who is appointed by the President or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge in the District Court for the Northern Mariana Islands whenever such an assignment is necessary for the proper dispatch of the business of the court. Such judges shall have all the powers of a judge of the District Court for the Northern Mariana Islands, including the power to appoint any person to a statutory position, or to designate a depository of funds or a newspaper for publication of legal notices.

(3) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for the Northern Mariana Islands to whose offices the provisions of chapters 33 and 37 of title 28, respectively, shall apply.

(4) If the President appoints a judge for the District Court for the Northern Mariana Islands or a United States attorney or a United States marshal for the Northern Mariana Islands who at that time is serving in the same capacity in another district, the appointment shall, without prejudice to a subsequent appointment, be for the unexpired term of such judge or officer.

(c) Applicability of Federal rules and statutory requirements

Where appropriate, and except as otherwise provided in articles IV and V of the Covenant
approved by the Act of March 24, 1976 (90 Stat. 263), the provisions of part II of title 18 and of titles 28, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the District Court for the Northern Mariana Islands and appeals therefrom; except that the terms “Attorney for the government” and “United States attorney”, as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the Attorney General of the Northern Mariana Islands or such other person or persons as may be authorized by the laws of the Northern Mariana Islands to act therein.


REFERENCES IN TEXT

The Covenant, referred to in subsec. (c), is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

Act of March 24, 1976, referred to in subsec. (c), is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I (§1801 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

The Federal Rules of Criminal Procedure, referred to in subsec. (c), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section was formerly classified to section 1694 of this title.

AMENDMENTS

1984—Subsec. (b)(1). Pub. L. 98–454, §901(a), substituted “for a term of ten years” for “for a term of eight years”.

Subsec. (b)(2). Pub. L. 98–454, §901(b), inserted “or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands” after “President” in first sentence.

Subsec. (c). Pub. L. 98–454, §901(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: The provisions of chapters 43 and 49 of title 28, and the rules heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the District Court for the Northern Mariana Islands and appeals therefrom where appropriate, except as otherwise provided in articles IV and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263). The terms “attorney for the government” and “United States attorney” as used in the Federal Rules of Criminal Procedure (rule 54(c)) shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the attorney general of the Northern Mariana Islands or any other person or persons as may be authorized by the laws of the Northern Marianas to act therein.”

Effect of this section, see section 1825 of this title and Effective Date of Constitution note thereunder.

Effect of this section, see section 1825 of this title and Effective Date of Constitution note thereunder.

Termination of Trust Territory of the Pacific Islands

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1661 of this title.

Extension of Term of District Judges

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984, see section 1001 of Pub. L. 98–454, set out as a note under section 1424b of this title.

§ 1822. Jurisdiction of District Court; original jurisdiction; procedural requirements

(a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States.

(b) The district court shall have original jurisdiction in all causes in the Northern Mariana Islands not described in subsection (a) of this section jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.


CODIFICATION

Section was formerly classified to section 1694a of this title.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–454 amended subsec. (a) generally, substituting “including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States” for “, except that in all causes arising under the Constitution, treaties, or laws of the United States, it shall have jurisdiction regardless of the sum or value of the matter in controversy”.

Effective Date of 1984 Amendment


Effective Date

For effective date of this section, see section 1825 of this title and Effective Date of Constitution note thereunder.

§ 1823. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules

(a) Appellate jurisdiction of District Court

Prior to the establishment of an appellate court for the Northern Mariana Islands the district court shall have such appellate jurisdiction

1 So in original.
over the courts established by the Constitution or laws of the Northern Mariana Islands as the Constitution and laws of the Northern Mariana Islands provide, except that such Constitution and laws may not preclude the review of any judgment or order which related to the appellate jurisdiction of the court and certain procedural matters which are covered under subsec. (b), and added subsecs. (b) and (c).

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1821(b)(2) of this title: Provided, That no more than one of them may be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.


REFERENCES IN TEXT

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, referred to in subsec. (a), is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

CODIFICATION

Section was formerly classified to section 1694b of this title.

AMENDMENTS

1984—Pub. L. 98–454 designated existing provisions as subsec. (a), substituted provisions governing the appellate jurisdiction of the District Court prior to the establishment of the appellate court for former provisions which related to the appellate jurisdiction of the court and certain procedural matters which are covered under subsec. (b), and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT


EFFECTIVE DATE

For effective date of this section, see section 1825 of this title and Effective Date of Constitution note thereunder.

§1824. Relations between courts of United States and courts of Northern Mariana Islands; applicability of statutory provisions

(a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings, except as otherwise provided in article IV of the covenant: Provided, That for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States court of appeals for the judicial circuit which includes the Northern Mariana Islands shall have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties, or laws of the United States, or any authority exercised thereunder, unless those cases are reviewable in the District Court for the Northern Mariana Islands pursuant to section 1823 of this title.

(b) Those portions of title 28 which apply to Guam or the District Court of Guam shall be applicable to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise provided in article IV of the covenant. The district court established by this subchapter shall be a district court as that term is used in section 3006A of title 18.


REFERENCES IN TEXT

The covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

CODIFICATION

Section was formerly classified to section 1694c of this title.
AMENDMENTS


EFFECTIVE DATE OF 1984 AMENDMENT


§ 1825. Effective date

This subchapter shall come into force upon its approval or at the time proclaimed by the President for the Constitution of the Northern Mariana Islands to become effective, whichever is the later date.


CODIFICATION

Section was formerly classified to section 1694d of this title.

EFFECTIVE DATE OF CONSTITUTION

For provisions of proclamation of President relating to effective date for Constitution of Northern Mariana Islands, see Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, set out as a note under section 1801 of this title.

§ 1826. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.


CODIFICATION

Section was formerly classified to section 1694e of this title.

EFFECTIVE DATE

For effective date of this section, see section 1825 of this title and Effective Date of Constitution note thereunder.

SUBCHAPTER III—MISCELLANEOUS

§ 1841. Funds and services

(a) Acquisition and construction of powerplant and distribution facilities

There is hereby authorized to be appropriated for expenditure after October 1, 1978, not more than $12,000,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs from October 1978 price levels as indicated by engineering cost indexes applicable to the types of construction involved, to assist in the acquisition and construction of a powerplant for the Northern Marianas Islands together with upgrading, rehabilitation, or replacement of distribution facilities.

(b) Services and facilities of Federal agencies; grants-in-aid; availability of appropriations in succeeding fiscal years

(1) The government of the Northern Marianas in carrying out the purposes of this Act, Public Law 95–134, or Public Law 94–241 [48 U.S.C. 1801 et seq.], may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government on a reimbursable basis. Such amounts may be credited to the appropriation or fund which provided the services and facilities. Agencies and instrumentalities of the Federal Government may, when practicable, make available to the government of the Northern Marianas, upon request of the Secretary, such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

(2) Any funds made available to the Northern Mariana Islands under grant-in-aid programs by section 502 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (Public Law 94–241), or pursuant to any other Act of Congress enacted after March 24, 1976, are hereby authorized to remain available until expended.

(3) Any amount authorized by the Covenant described in paragraph (2) or by any other Act of Congress enacted after March 24, 1976, which authorizes appropriations for the Northern Marianas Islands, but not appropriated for a fiscal year is authorized to be available for appropriation in succeeding fiscal years.

(c) Supplemental nutrition assistance program benefits and distribution of donated foods

Notwithstanding the provisions of the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.], the Secretary of Agriculture is authorized, upon the request of the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with section 5 and 7 of article II of the Constitution of the Northern Marianas Islands, and for the period during which such legislation is effective, (1) to implement a supplemental nutrition assistance program in part or all of the Northern Mariana Islands with such income and household standards of eligibility, deductions, and allotment values as the Secretary determines, after consultation with the Governor, to be suited to the economic and social circumstances of such islands: Provided, That in no event shall such income standards of eligibility exceed those in the forty-eight contiguous States, and (2) to distribute or permit a distribution of federally donated foods in any part of the Northern Mariana Islands for which the Governor has not requested that the supplemental nutrition assistance program be implemented. This authority shall remain in effect until September 30, 1981, and shall not apply to section 1421q–1 or 1574–1 of this title.

(d) Administration and enforcement of revenue and taxation provisions of Covenant

(1) The Secretary of the Treasury is authorized and directed, upon the request of the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the Constitution of the Northern Mariana Islands, or upon receipt of a resolution adopted by both houses of the legislature of the Northern Mariana Islands accompanied by a letter of request from either the

1See References in Text note below.
Governor or the Lieutenant Governor of the Northern Mariana Islands, without reimbursement or other cost to the government of the Northern Mariana Islands, to administer and enforce the provisions of section 601, 603, or 604 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (Public Law 94–241; 90 Stat. 263), and in order to administer and enforce the collection of any payroll tax or other tax measured by income which may be levied by the Northern Mariana Islands law is enacted.

(2) For purposes of carrying out any administration and enforcement required by this subsection, the Secretary of the Treasury (hereinafter in this subsection referred to as the "Secretary"), or his delegate, at no cost to the Northern Mariana Islands, may (A) employ citizens of the Northern Mariana Islands (as defined by Article III of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved, Public Law 94–241; 90 Stat. 265), or (B) use the services of employees of the government of the Northern Mariana Islands, upon agreement to pay such government for the use of such services. In addition, the Secretary, or his delegate, shall make every effort to assure that citizens of the Northern Mariana Islands (as so defined) are trained to ultimately assume the administration and enforcement duties required of the Secretary or his delegate under this section.

Notwithstanding any other provision of law, the Secretary or his delegate is authorized to the maximum extent feasible in administering and enforcing the requested sections of the Covenant, to employ and train Northern Mariana Islands’ citizens without regard to United States Civil Service hiring or job classification laws or any employment ceilings imposed upon the Secretary. The preceding sentence shall not exempt such Northern Mariana Islands’ citizens so hired from any other laws affecting Federal or Interstate hiring or job classification laws or lands’ citizens without regard to United States Civil Service hiring or job classification laws or any employment ceilings imposed upon the Secretary. The preceding sentence shall not exempt such Northern Mariana Islands’ citizens so hired from any other laws affecting Federal or Interstate hiring or job classification laws or any employment ceilings imposed upon the Secretary.

References in Text


Public Law 94–241, referred to in subsecs. (b)(1), (2) and (d)(1), (2), is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I (§1801 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

The Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, referred to in subsecs. (b)(2), (3) and (d), is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

The Food and Nutrition Act of 2008, referred to in subsec. (c), is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§1201 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

Section 1421q–1 or 1574–1 of this title, referred to in subsec. (c), was in the original “section 423 of Public Law 95–135”, and was translated as reading “section 403 of Public Law 95–134”, to reflect the probable intent of Congress, because Public Law 95–135 does not contain a section 403.

The Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, referred to in subsec. (c), is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§1201 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

Section 1421q–1 or 1574–1 of this title, referred to in subsec. (c), was in the original “section 423 of Public Law 95–135”, and was translated as reading “section 403 of Public Law 95–134”, to reflect the probable intent of Congress, because Public Law 95–135 does not contain a section 403.

Codification


Subsecs. (b)(2), (3), (c), and (d) of this section were formerly set out as notes under section 1681 of this title.

March 12, 1980, referred to in subsec. (d)(2), was in the original “the date of enactment”, and was translated as meaning the date of enactment of Pub. L. 96–205, which enacted pars. (2) and (3) of subsec. (d) of this section, to reflect the probable intent of Congress.

Amendments


Effective Date of 2008 Amendment


§ 1842. Covering into Commonwealth treasury of tax proceeds collected pursuant to Covenant

The Secretary shall take such steps as are necessary to ensure that the proceeds of taxes collected under the provisions of sections 601, 602, 603, and 604 of the Covenant (Public Law 94-241) are covered directly upon collection into the treasury of the Commonwealth of the Northern Marianas Islands.

(Pub. L. 96-205, title II, § 204(b), Mar. 12, 1980, 94 Stat. 87.)

REFERENCES IN TEXT

The Covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

Public Law 94-241, 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 this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

AUTHORITY OF GUAM, AMERICAN SAMOA, AND THE NORTHERN MARIANA ISLANDS TO ENACT REVENUE LAWS—See section 1271 of Pub. L. 99-514, set out as a note under section 931 of Title 26, Internal Revenue Code.

§ 1843. Exemption from taxation for income derived from sources within Commonwealth

(a) Taxable years beginning after December 31, 1978, but not after January 1, 1985

Except as provided in subsection (c) of this section, any person, including an individual, trust, estate, partnership, association, company, or corporation, which is a resident of or which is organized under the laws of the Commonwealth of the Northern Mariana Islands and which is subject to the provisions of section 601 of the Covenant to Establish the Commonwealth of the Northern Mariana Islands, shall be exempt from the requirements of such section with respect to income from sources within the Northern Marianas Islands for its taxable year beginning after December 31, 1980, and before January 1, 1982: Provided, That the Secretary receives written notice from the Governor of the Northern Mariana Islands not later than September 30, 1980, that sections 1, 2, 3, 4, and 5 of chapter 2 of Public Law 1-30 of the Commonwealth of the Northern Mariana Islands or its successor, have been repealed in their entirety, effective December 31, 1981.

(c) Tax rebates

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 Marianas 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.


REFERENCES IN TEXT

The Covenant, referred to in subsecs. (a) and (b), is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

Public Law 94-241, referred to in subsecs. (a) and (b), is Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I (§ 1801 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

Sections 601 and 602 of Public Law 94-241, referred to in subsec. (c), probably mean sections 601 and 602 of the Covenant, because Pub. L. 94-241 does not contain a section 601 or 602.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

AMENDMENTS


Subsec. (c). Pub. L. 98-213, § 3(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "It is the sense of Congress that the term 'rebate' as used in section 602 of Public Law 94-241 does not permit the abatement of taxes."


Suspension of Prohibition of Abatement of Taxation in Commonwealth of Northern Marianas Islands

Pub. L. 96-597, title III, § 303(b), Dec. 24, 1980, 94 Stat. 3478, provided that provisions of subsec. (c) of this section were suspended and were of no force or effect until Jan. 1, 1983.

1 See References in Text note below.
§ 1844. Political union between Territory of Guam and Commonwealth of Northern Mariana Islands

In the event that a political union is effected at a future time between the Territory of Guam and the Commonwealth of the Northern Mariana Islands, the Federal Government and each of its agencies is authorized and directed to assure that—

(i) there will be no diminution of any rights or entitlements otherwise eligible to said territory and Commonwealth in effect on the effective date of such union,

(ii) there will be no adverse effect on any funds which have been or may hereafter be authorized or appropriated for said territory or Commonwealth, as of the effective date of such union, or

(iii) no action is taken that would in any manner discourage such unification.

Whenever any discrepancy exists or arises between the benefits available for either said territory or Commonwealth under any policies or programs authorized by law (including, but not limited to, any formulas for matching grants-in-aid or comparable programs or benefits), the most favorable terms available to either said territory or Commonwealth shall be deemed applicable to said unified area after the effective date of unification.


Codification
Section was formerly set out as a note under section 1681 of this title.

§ 1845. Plans for development, utilization, and conservation of water and related land resources

(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.

(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.


Codification
Section was formerly set out as a note under section 1681 of this title.

§ 1846. Exemption from assessment and taxation of real property owned by Commonwealth in United States capital

Real property owned by the Commonwealth of the Northern Mariana Islands in the capital of the United States and used by the Resident Representative thereof in the discharge of his representative duties under the Covenant shall be exempt from assessment and taxation.


References in Text
The Covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

Codification
Section was formerly set out as a note under section 1681 of this title.

CHAPTER 18—MICRONESIA, MARSHALL ISLANDS, AND PALAU

SUBCHAPTER I—MICRONESIA AND MARSHALL ISLANDS

PART A—APPROVAL AND IMPLEMENTATION OF ORIGINAL COMPACT

Sec.
1901. Approval of Compact of Free Association.
1902. Agreements with Federated States of Micronesia.
1904. Interpretation of and United States policy regarding Compact of Free Association.
1905. Supplemental provisions.
1906. Construction contract assistance.
1907. Limitations.
1908. Transitional immigration rules.
1911. Compensatory adjustments.
1912. Jurisdiction.

SUBCHAPTER II—PALAU

PART A—APPROVAL OF COMPACT AND SUPPLEMENTAL PROVISIONS

1931. Approval of Compact of Free Association.
1932. Extension of Compact of Free Association to Palau.
1933. Supplemental provisions.
1934. Jurisdiction.

PART B—IMPLEMENTATION OF COMPACT
§ 1901. Approval of Compact of Free Association

(a) Federated States of Micronesia

The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Federated States of Micronesia is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98–192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

(b) Marshall Islands

The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Marshall Islands is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98–192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

(c) Reference to Compact

Any reference in this joint resolution to “the Compact” shall be treated as a reference to the Compact of Free Association set forth in title II of this joint resolution.

(d) Amendment, change, or termination in Compact and certain agreements

(1) Mutual agreement by the Government of the United States as provided in the Compact which results in amendment, change, or termination of all or any part thereof shall be effected only by Act of Congress and no unilateral action by the Government of the United States provided for in the Compact, and having such result, may be effected other than by Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the Compact including, but not limited to, actions taken pursuant to sections 431, 432, 441, or 442;

(B) to any amendment, change, or termination in the Agreement between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(i) of the Compact and the Agreement between the Government of the United States and the Government of the Marshall Islands Concerning Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(k) of the Compact;

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact sections 175, 177, and 221(a)(5), the terms of which are incorporated by reference into the Compact; and

(D) to the following subsidiary agreements, or portions thereof:

(i) Article II of the agreement referred to in section 462(a) of the Compact;

(ii) Article II of the agreement referred to in section 462(b) of the Compact;

(iii) Article II and Section 7 of Article XI of the agreement referred to in section 462(e) of the Compact;

(iv) the agreement referred to in section 462(f) of the Compact;

(v) Articles III and IV of the agreement referred to in section 462(g) of the Compact;

(vi) Articles III and IV of the agreement referred to in section 462(h) of the Compact; and

(vii) Articles VI, XV, and XVII of the agreement referred to in section 462(i) of the Compact.

(e) Subsidiary agreements deemed bilateral

For purposes of implementation of the Compact and this joint resolution, each of the subsidiary agreements referred to in subsections (a) and (b) of this section (whether or not bilateral in form) shall be deemed to be bilateral agreements between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of any such subsidiary agreement (or any provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

(f) Effective date

(1) The President shall not agree to an effective date for the Compact, as authorized by this
section, until after certifying to Congress that the agreements described in section 1902 of this title and section 1903 of this title have been concluded.

(2) Any agreement concluded with the Federated States of Micronesia or the Marshall Islands pursuant to sections 1902 and 1903 of this title and any agreement which would amend, change, or terminate any subsidiary agreement or portion thereof as set forth in paragraph (4) of this subsection shall be submitted to the Congress. No such agreement shall take effect until after the expiration of 30 days after the date such agreement is so submitted (excluding days on which either House of Congress is not in session).

(3) No agreement described in paragraph (2) shall take effect if a joint resolution of disapproval is enacted during the period specified in paragraph (2). For the purpose of expediting the consideration of such a joint resolution, a motion to proceed to the consideration of any such joint resolution after it has been reported by an appropriate committee shall be treated as highly privileged in the House of Representatives. Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of Public Law 94–329.

(4) The subsidiary agreements or portions thereof referred to in paragraph (2) are as follows:

(A) Articles III and IV of the agreement referred to in section 462(b) of the Compact.

(B) Articles III, IV, V, VI, VII, VIII, IX, X, and XI (except for Section 7 thereof) of the agreement referred to in section 462(e) of the Compact.

(C) Articles IV, V, X, XIV, XVI, and XVIII of the agreement referred to in section 462(1) of the Compact.

(D) Articles II, VI, VII, and VIII of the agreement referred to in section 462(g) of the Compact.

(E) Articles II, VI, and VIII of the agreement referred to in section 462(h) of the Compact.


(5) No agreement between the United States and the Government of either the Federated States of Micronesia or the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth in subsection (d) of this section or paragraph (4) of this subsection shall take effect until the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefore.


REFERENCES IN TEXT

The Compact, referred to in text, is the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, as amended, set out below.

This joint resolution, referred to in subsecs. (a), (b), (c), and (e), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, as amended, known as the Compact of Free Association Act of 1985, which is classified principally to this part and chapter 19 (§ 2001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note below.

For Oct. 21, 1986, as the effective date of the Compact of Free Association with the Marshall Islands, and Nov. 3, 1986, as the effective date of the Compact of Free Association with the Federated States of Micronesia, referred to in subsecs. (a), (b), and (f), see Proc. No. 5561, Nov. 3, 1986, 51 F.R. 40399, set out as a note under section 1801 of this title.

Section 601(b) of Public Law 94–329, referred to in subsec. (f)(3), is section 601(b) of Pub. L. 94–329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–188, § 1(a), Dec. 17, 2003, 117 Stat. 2721, provided that: ‘‘This joint resolution [enacting part B of this subchapter and provisions set out as notes under section 1921 of this title and amending provisions set out as a note under section 3101 of Title 5, Government Organization and Employees], together with the table of contents in subsection (b) of this section [117 Stat. 2721], may be cited as the ‘Compact of Free Association Amendments Act of 2003.’’”

SHORT TITLE

Section 1(a) of Pub. L. 99–239 provided that: ‘‘This joint resolution [enacting this part, chapter 19 (§ 2001 et seq.) of this title, and provisions set out below] together with the Table of Contents in subsection (b) of this section [117 Stat. 2721], may be cited as the ‘Compact of Free Association Act of 1985.’’”

APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION

Pub. L. 106–504, § 3(a), Nov. 13, 2000, 114 Stat. 2312, provided that: ‘‘The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance, and services of the United States, to the extent that such programs, grant assistance, and services are provided to States and local governments of the United States and residents of such States, for which a freely associated state or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239 [set out below], and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.’’

REGULATIONS REGARDING HABITUAL RESIDENCE

Pub. L. 104–208, div. C, title VI, § 643, Sept. 30, 1996, 110 Stat. 3009–708, provided that, not later than 6 months after Sept. 30, 1996, the Commissioner of Immigration and Naturalization was to issue regulations governing rights of “habitual residence” in the United States under the terms of the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia and the Compact of Free Associa-
tion between the Government of the United States and the Government of Palau.

RATIFICATION OF CERTAIN AGREEMENTS BETWEEN UNITED STATES AND GOVERNMENTS OF REPUBLIC OF MARSHALL ISLANDS AND FEDERATED STATES OF MICRONESIA

"That, pursuant to section 101(d) of Public Law 99–239 [April 5, 1986] (48 U.S.C. 1901(d)), the following agreements are approved and shall enter into force in accordance with the terms:

"(1) 'Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact', signed on March 18, 1988; and

"(2) 'Agreement Between the Government of the United States and the Government of the Federated States of Micronesia to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact', signed on March 9, 1988."

RECITAL CLAUSES

Pub. L. 99–239 which enacted this part and chapter 19 of this title contained several "Whereas" clauses reading as follows:

"Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the people concerned; and

"Whereas the United States, in response to the desire of the peoples of the Federated States of Micronesia and the Marshall Islands expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted governments, and in consideration of its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the peoples of the Federated States of Micronesia and the Marshall Islands; and

"Whereas these negotiations resulted in the 'Compact of Free Association' [set out below] which, together with its related agreements, was signed by the United States and by the Federated States of Micronesia and the Republic of the Marshall Islands on October 1, 1982 and June 25, 1983, respectively; and

"Whereas the Compact of Free Association was approved by majorities of the peoples of the Federated States of Micronesia and the Marshall Islands in United Nations-observed plebiscites conducted on June 21, 1983 and September 7, 1983, respectively; and

"Whereas the Compact of Free Association has been approved by the Governments of the Federated States of Micronesia and the Marshall Islands in accordance with their respective constitutional processes, thus completing fully for the Federated States of Micronesia and the Marshall Islands their domestic approval processes with respect to the Compact as contemplated in Compact Section 411."
conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact.

"(b) The foreign affairs capacity of the Governments of the Marshall Islands and the Federated States of Micronesia includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of their commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including the determination of policies regarding loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially beneficial to their individual citizens.

"(c) The Government of the United States recognizes that the Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to enter into, in their own name and right, treaties and other international agreements with governments and regional and international organizations.

"(d) In the conduct of their foreign affairs, the Governments of the Marshall Islands and the Federated States of Micronesia confirm that they shall act in accordance with principles of international law and shall settle their international disputes by peaceful means.

"Section 122
"The Government of the United States shall support applications by the Governments of the Marshall Islands and the Federated States of Micronesia for membership or other participation in regional or international organizations as may be mutually agreed. The Government of the United States agrees to accept for training and instruction at the Foreign Service Institute [now George P. Shultz National Foreign Affairs Training Center] programs shall be as mutually agreed between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia. The qualifications of candidates for such training and instruction and all other terms and conditions of participation by citizens of the Marshall Islands and the Federated States of Micronesia in Foreign Service Institute [now George P. Shultz National Foreign Affairs Training Center] programs shall be as mutually agreed between the Governments of the Marshall Islands and the Federated States of Micronesia and the Governments of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia.

"Section 123
"(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Governments of the Marshall Islands and the Federated States of Micronesia shall consult, in the conduct of their foreign affairs, with the Government of the United States.

"(b) In recognition of the respective foreign affairs capacities of the Governments of the Marshall Islands and the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Marshall Islands or the Federated States of Micronesia on matters which the Government of the United States regards as relating to or affecting any such Government.

"Section 124
"The Government of the United States may assist or act on behalf of the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Marshall Islands or the Federated States of Micronesia undertaken with the assistance or through the agency of the Government of the United States pursuant to this Section unless expressly agreed.

"Section 125
"The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs, except as may from time to time be expressly agreed.

"Section 126
"At the request of the Government of the Marshall Islands or the Federated States of Micronesia and subject to the consent of the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Marshall Islands and the Federated States of Micronesia for travel outside the Marshall Islands and the Federated States of Micronesia, the United States and its territories and possessions.

"Section 127
"Except as otherwise provided in this Compact or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which have resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact are no longer assumed and enjoyed by the Government of the United States.

"Article III
"Communications

"Section 131
"(a) The Governments of the Marshall Islands and the Federated States of Micronesia have full authority and responsibility to regulate their respective domestic and foreign communications, and the Government of the United States shall provide communications assistance in accordance with the terms of a separate agreement which shall come into effect simultaneously with this Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, and such agreement shall remain in effect until such time as any election is made pursuant to Section 131(b) and which shall provide for the following:

(1) the Government of the United States remains the sole administration entitled to make notification to the International Frequency Registration Board of the International Telecommunications Union of frequency assignments to radio communications stations respectively in the Marshall Islands and the Federated States of Micronesia; and to submit to the International Frequency Registration Board seasonal schedules for the broadcasting stations respectively in the Marshall Islands and the Federated States of Micronesia in the bands allocated exclusively to the broadcasting service between 5,960 and 26,100 kHz and in any other additional frequency bands that may be allocated to use by high frequency broadcasting stations; and

(2) the United States Federal Communications Commission has jurisdiction, pursuant to the Communications Act of 1934, 47 U.S.C. 151 et seq., and the Communications Satellite Act of 1962, 47 U.S.C. 721 et seq., over all domestic and foreign communications services furnished by means of satellite earth terminal stations where such stations are owned or operated by United States common carriers and are located in the Marshall Islands or the Federated States of Micronesia.

(b) The Government of the Marshall Islands or the Federated States of Micronesia may elect at any time to undertake the functions enumerated in Section 131(a) and previously performed by the Government of the United States. Upon such election, the Government of the United States shall so notify the International Frequency Registration Board and shall take such other actions as may be necessary to transfer to the electing Government the notification authority referred to in Section 131(a) and all rights deriving from

"Section 128
the previous exercise of any such notification authority by the Government of the United States.

Section 132

‘‘The Governments of the Marshall Islands and the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Marshall Islands and the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact in accordance with the terms of separate agreements which shall come into effect simultaneously with this Compact.

Article IV

‘‘Immigration

Section 141

‘‘(a) Any person in the following categories may enter into, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions without regard to paragraphs (14), (20), and (26) of section 212(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(a) (14), (20), and (26):

‘‘(1) a person who, on the day preceding the effective date of this Compact, is a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become a citizen of the Marshall Islands or the Federated States of Micronesia;

‘‘(2) a person who acquires the citizenship of the Marshall Islands or the Federated States of Micronesia at birth, on or after the effective date of the respective Constitution;

‘‘(3) a naturalized citizen of the Marshall Islands or the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence; or

‘‘(4) a person entitled to citizenship in the Marshall Islands by lineal descent whose name is included in a list to be furnished by the Government of the Marshall Islands to the United States Immigration and Naturalization Service and any descendants of such persons, provided that such person holds a certificate of lineal descent issued by the Government of the Marshall Islands.

Such persons shall be considered to have the permission of the Attorney General of the United States to accept employment in the United States.

‘‘(b) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to nondiscriminatory limitations provided for:

‘‘(1) in statutes or regulations of the United States; or

‘‘(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

‘‘(c) Section 141(a) does not confer on a citizen of the Marshall Islands or the Federated States of Micronesia the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of the Marshall Islands or the Federated States of Micronesia from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

‘‘(a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in the Marshall Islands or the Federated States of Micronesia, subject to the rights of those Governments to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in the Marshall Islands or the Federated States of Micronesia only in accordance with the laws of the jurisdiction in which habitual residence or domicile is sought.

(b) With respect to the subject matter of this Section, the Government of the Marshall Islands or the Federated States of Micronesia shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.

Section 143

‘‘(a) The privileges set forth in Sections 141 and 142 shall not apply to any person who takes an affirmative step to preserve or acquire a citizenship or nationality other than that of the Marshall Islands, the Federated States of Micronesia or the United States.

‘‘(b) Every person having the privileges set forth in Sections 141 and 142 who possesses a citizenship or nationality other than that of the Marshall Islands, the Federated States of Micronesia or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

Section 144

‘‘(a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of the Marshall Islands or the Federated States of Micronesia, commences employment with such Government shall not be deprived of his United States nationality pursuant to Section 398(a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481(a)(2) and (a)(4).

‘‘(b) Upon such notification by the Government of the Marshall Islands or the Federated States of Micronesia to the United States Immigration and Naturalization Service, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 522a.

‘‘(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of the Marshall Islands or the Federated States of Micronesia on the effective date of this Compact with respect to the positions held by them at that time.

Section 151

‘‘The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may establish and maintain representative offices in the capital of the other for the purpose of maintaining close and regular consultations on matters arising in the course of the relationship of free association and conducting other government business. The Governments may establish and maintain additional offices on terms and in locations as may be mutually agreed.

Section 152

‘‘(a) The premises of such representative offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of international law to official communications of a diplomatic mission.

‘‘(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such rep-
representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

"(c) The sending Governments and their respective assets, income and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and their respective offices.

"(d) Persons designated by the sending Government in their capacity as its representatives shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

"(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

"Section 153

"(a) Any citizen or national of the United States who, after consultation between the designating Government and the Government of the United States, is designated by the Government of the Marshall Islands as its agent, shall enjoy exemption from the requirements of the laws of the United States relating to the registration of foreign agents. The Government of the United States shall promptly comply with a request for consultation made by the prospective designating Government. During the course of the consultation, the Government of the United States may, in its discretion, and subject to the provisions of the Privacy Act, 5 U.S.C. 552a, transmit such information concerning the prospective designee as may be available to it to the prospective designating Government.

"(b) Any citizen or national of the United States may be employed by the Government of the Marshall Islands or the Federated States of Micronesia to represent to foreign governments, foreign officers or agents thereof the position of the Government of the Marshall Islands or the Federated States of Micronesia, without regard to the provisions of 18 U.S.C. 953.

"Article VI

"Environmental Protection

"Section 161

"The Governments of the United States, the Marshall Islands and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Marshall Islands and the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

"(a) The Government of the United States:

"(1) shall continue to apply the environmental control in effect on the day preceding the effective date of this Compact to those of its continuing activities subject to Section 161(a)(2), unless and until those controls are modified under Sections 161(a)(3) and 161(a)(4); and

"(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 522, 42 U.S.C. 4321 et seq., to its activities under the Compact and its related agreements as if the Marshall Islands and the Federated States of Micronesia were the United States;


"(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), appropriate mechanisms, including regulations or other judicially reviewable standards and procedures, to regulate its activities governed by Section 161(a)(3) in the Marshall Islands and the Federated States of Micronesia in a manner appropriate to the special governmental relationship set forth in this Compact. The agencies of the Government of the United States designated by law to administer the laws set forth in Section 161(a)(3) shall participate as appropriate in the development of any regulation, standard or procedure under this Section, and the Government of the United States shall provide the affected Government of the Marshall Islands or the Federated States of Micronesia with the opportunity to comment during such development.

"(b) The Governments of the Marshall Islands and the Federated States of Micronesia shall develop standards and procedures to protect their environments. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Governments of the Marshall Islands and the Federated States of Micronesia, taking into account their particular environments, shall develop standards for environmental protection substantively similar to those required by the United States by Section 161(a)(3) prior to their conducting activities in the Marshall Islands and the Federated States of Micronesia, respectively, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

"(c) Section 161(a), including any standard or procedure applicable thereunder, and Section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia.

"(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major federal actions significantly affecting the quality of the human environment, the regulatory regime established under Sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

"(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable under Sections 161(a)(3) and 161(a)(4) if the President determines it to be in the interest of the Government of the United States to do so, consistent with Title Three of this Compact and the
obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the affected Government of the Marshall Islands or the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the affected Government.

"(i) The laws of the United States referred to in Section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact and its related agreements only to the extent provided for in this Section.

"Section 162

"The Government of the Marshall Islands or the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to Sections 161(a), 161(d) or 161(e) or for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and such actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by Section 161, provided that:

"(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this Section.

"(b) Actions brought pursuant to this Section may be instituted only by the Government concerned.

"(c) Administrative agency actions arising under Section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

"(d) The District Court shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the United States Supreme Court as provided by the laws of the United States .

"(e) The judicial remedy provided for in this Section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by Section 161.

"(f) In actions pursuant to this Section, the Government of the United States agrees to submit itself to the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia as of the effective date of this Compact.

"Section 171

"‘General Legal Provisions

"Section 171

Except as provided in this Compact or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trustee Agreement ceases with respect to the Marshall Islands and the Federated States of Micronesia as of the effective date of this Compact.

"Section 172

"(a) Every citizen of the Marshall Islands or the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

"(b) The Governments of the Marshall Islands and the Federated States of Micronesia and every citizen of the Marshall Islands or the Federated States of Micronesia shall be considered a ‘person’ within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701–706, except that only the Government of the Marshall Islands or the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by Sections 161 and 162.

"Section 173

"The Governments of the United States, the Marshall Islands and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Marshall Islands and the Federated States of Micronesia pursuant to this Compact and its related agreements and by those Governments in the United States pursuant to this Compact and its related agreements.

"Section 174

"Except as otherwise provided in this Compact and its related agreements:


"(b) The Government of the United States accepts responsibility for and shall pay:

"(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands or the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact;

"(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the effective date of this Compact; and
'(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Governments of the Marshall Islands and the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia in any case in which the action is based on a commercial activity of the defendant Government where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought.

Section 175

A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners. The separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3182, 3184, 3186 and 3188-3195, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-4115, shall be applicable to the transfer of prisoners under the separate agreement.

Section 176

The Governments of the Marshall Islands and the Federated States of Micronesia confirm that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Marshall Islands and the Federated States of Micronesia to grant relief from judgments in appropriate cases.

Section 177

(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 13, 1958.

(b) The Governments of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation contamination related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the cooperation by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.

Section 178

(a) The federal agencies of the Government of the United States which provide the services and related programs in the Marshall Islands or the Federated States of Micronesia pursuant to Articles II and III of Title Two are authorized to settle and pay tort claims arising in the Marshall Islands or the Federated States of Micronesia from the activities of such agencies or from acts or omissions of the employees of such agencies. Except as provided in Section 176(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under Section 178(a) which cannot be settled under Section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall in the separate agreements referred to in Section 232, provide for:

(1) the administrative settlement of claims referred to in Section 178(a), including designation of local agents in the Marshall Islands and each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in Section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 178(a).

(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

Title Two

Economic Relations

Article I

Grant Assistance

Section 211

(a) In order to assist the Governments of the Marshall Islands and the Federated States of Micronesia in their efforts to advance the economic self-sufficiency of their peoples and in recognition of the special relation-
ship that exists between them and the United States, the Government of the United States shall provide on a grant basis the following amounts:

(a) to the Government of the Marshall Islands, $26.1 million annually for five years commencing on the effective date of this Compact; $22.1 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and $19.1 million annually for five years commencing on the tenth anniversary of this Compact. Over this fifteen-year period, the Government of the Marshall Islands shall dedicate an average of no less than 40 percent of these amounts to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b); and

(b) to the Government of the Federated States of Micronesia, $60 million annually for five years commencing on the effective date of this Compact, $51 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and $40 million annually for five years commencing on the tenth anniversary of the effective date of this Compact. Over this fifteen year period, the Government of the Federated States of Micronesia shall dedicate an average of no less than 40 percent of these amounts annually to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b). To take into account the special nature of the assistance, to be provided under this paragraph and Sections 212(b), 213(c), 214(c), 215(a)(3), 215(b)(3), 216(a), 216(b), 221(a), and 221(b), the division of these amounts among the national and state governments of the Federated States of Micronesia shall be certified to the Government of the United States by the Government of the Federated States of Micronesia.

(c) The annual expenditure of the grant amounts specified for the capital account in Section 211(a) by the Governments of the Marshall Islands and the Federated States of Micronesia shall be in accordance with official overall economic development plans provided by those Governments and concurred in by the Government of the United States prior to the effective date of this Compact. These plans may be amended from time to time by the Government of the Marshall Islands or the Federated States of Micronesia.

(d) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia recognize that the achievement of the goals of the plans referred to in Section 211(b) depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of the Marshall Islands and the Federated States of Micronesia, including the Government of the United States, and that in addition, be affected by the impact of exceptional economically adverse circumstances. Each of the Governments of the Marshall Islands and the Federated States of Micronesia shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of the plans and on their use of the funds specified in this Article. These reports shall outline the achievements of the plans to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. It is understood that the Government of the United States cannot be committed by this Section to seek or support such additional economic assistance.

Section 212

“In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall provide to the Government of the Federated States of Micronesia $1 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact. This amount may be used by the Government of the Federated States of Micronesia to defray current account expenditures attendant to the operation of the United States military Civic Action Teams made available in accordance with the separate agreement referred to in Section 227.

Section 213

(a) The Government of the United States shall provide on a grant basis $1.9 million annually to the Government of the Marshall Islands in conjunction with Section 321(a). The Government of the Marshall Islands, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in the Kwajalein Atoll area of the Marshall Islands.

(b) The Government of the United States shall provide on a grant basis to the Government of the Federated States of Micronesia the sum of $160,000 in conjunction with Section 321(a). This sum shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of the Federated States of Micronesia, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Yap State, Federated States of Micronesia.

Section 214

(a) As a contribution to efforts aimed at achieving increased self-sufficiency in energy production, the Government of the United States shall provide on a current account grant basis for fourteen years commencing on the first anniversary of the effective date of this Compact the following amounts:

1. To the Government of the Marshall Islands, $2 million annually;
2. To the Government of the Federated States of Micronesia, $3 million annually.

Section 215

(a) As a contribution to the current account operations and maintenance of communications systems, the Government of the United States shall provide on a grant basis for fifteen years commencing on the effective date of this Compact the following amounts:

1. To the Government of the Marshall Islands, $300,000 annually; and
2. To the Government of the Federated States of Micronesia, $600,000 annually.

(b) For the purpose of acquiring such communications hardware as may be located within the Marshall Islands and the Federated States of Micronesia or for such other current or capital account activity as may be selected, the Government of the United States shall provide, concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact, the sum of $9 million to be allocated as follows:

1. To the Government of the Marshall Islands, $3 million; and
2. To the Government of the Federated States of Micronesia, $6 million.

Section 216

(a) The Government of the United States shall provide on a current account basis an annual grant of $5.369 million for fifteen years commencing on the effective date of this Compact for the purposes set forth below:

1. $890,000 annually for the surveillance and enforcement by the Governments of the Marshall Islands and the Federated States of Micronesia of their respective maritime zones;
2. $1,791 million annually for health and medical programs, including referrals to hospital and treatment centers; and
3. $2.687 million annually for a scholarship fund to support the post-secondary education of citizens of the Marshall Islands and the Federated States of Micronesia attending United States accredited, post-secondary institutions in the United States, its territories and possessions, the Marshall Islands or the Federated States of Micronesia. The curricula criteria for the award of scholarships shall...
be designed to advance the purposes of the plans referred to in Section 211(b).

"(b) The Government of the United States shall provide a sum of $1.333 million as a contribution to the commencement of activities pursuant to Section 216(a)(1).

"(c) The annual grants referred to in Section 216(a) and the sum referred to in Section 216(b) shall be made available by the Government of the United States promptly after it receives instruction for their distribution agreed upon by the Governments of the Marshall Islands and the Federated States of Micronesia.

"Section 217

"Except as otherwise provided, the amounts stated in Sections 211, 212, 214, 215 and 217 shall be adjusted for each Fiscal Year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

"Section 218

"If in any year the funds made available by the Government of the United States for that year pursuant to this Article or Section 231 are not completely obligated by the recipient Government, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

"Section 219

"All funds previously appropriated to the Trust Territory of the Pacific Islands which are unobligated by the Government of the Trust Territory of the Pacific Islands as of the effective date of this Compact shall accrue to the Governments of the Marshall Islands and the Federated States of Micronesia for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

"Article II

"Program Assistance

"Section 221

"(a) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia, in accordance with and to the extent provided in the separate agreements referred to in section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands as of the effective date of this Compact, the services and programs:

"(1) of the United States Weather Service;

"(2) of the United States Federal Emergency Management Agency;

"(3) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 et seq.;

"(4) of the United States Federal Aviation Administration; and

"(5) of the United States Civil Aeronautics Board or its successor agencies which has the authority to implement the provisions of paragraph 5 of Article IX of such separate agreements, the language of which is incorporated into this Compact.

"(b) The Government of the United States, recognizing the special needs of the Marshall Islands and the Federated States of Micronesia particularly in the fields of education and health care, shall make available, as provided by the laws of the United States, the annual amount of $10 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232.

"(c) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

"(d) The Government of the United States shall have and exercise such authority as is necessary for the purposes of this Article and as is set forth in the separate agreements referred to in Section 222, which shall also set forth the extent to which services and programs shall be provided to the Marshall Islands and the Federated States of Micronesia.

"Section 222

"The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall consult regularly or upon request regarding:

"(a) The economic development of the Marshall Islands or the Federated States of Micronesia; or

"(b) The services and programs referred to in this Article. These services and programs shall continue to be provided by the Government of the United States unless their modification is provided by mutual agreement or their termination in whole or in part is requested by any recipient Government.

"Section 223

"The citizens of the Marshall Islands and the Federated States of Micronesia who are receiving post-secondary educational assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

"Section 224

"The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may agree from time to time to the extension of additional United States grant assistance, services and programs as provided by the Laws of the United States, to the Marshall Islands or the Federated States of Micronesia, respectively.

"Section 225

"The Governments of the Marshall Islands and the Federated States of Micronesia shall make available to the Government of the Marshall Islands or the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact or as may be mutually agreed thereafter.

"Section 226

"The Governments of the Marshall Islands and the Federated States of Micronesia may request, from time to time, technical assistance from the federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws and which shall grant such technical assistance in a manner which gives priority consideration to the Marshall Islands and the Federated States of Micronesia over other recipients not a part of the United States, its territories or possessions. The Government of the United States shall coordinate the provision of such technical assistance in consultation with the respective recipient Government.

"Section 227

"In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available United States military Civic Action Teams for use in the Federated States of Micronesia under terms and conditions specified in a separate agreement which shall come into effect simultaneously with this Compact.

"Article III

"Administrative Provisions

"Section 231

"Upon the thirteenth anniversary of the effective date of this Compact, the Government of the United
States and the Governments of the Marshall Islands and the Federated States of Micronesia shall commence negotiations regarding those provisions of this Compact which expire on the fifteenth anniversary of its effective date. The period for the enactment of legislation approving the agreements resulting from such negotiations shall extend through the earlier of the date of the enactment of such legislation or September 30, 2004, during which time the provisions of this Compact, including Title Three, shall remain in full force and effect. [As amended Pub. L. 108-108, title I, Nov. 10, 2003, 117 Stat. 1361.]

Section 232

"The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Marshall Islands or the Federated States of Micronesia, and other arrangements in connection with a service or program furnished by the Government of the United States, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

Section 233

"The Government of the United States, in consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Such audits shall be conducted on an annual basis during the first five years following the effective date of this Compact and shall be at no cost to the Government of the Marshall Islands or the Federated States of Micronesia as set forth in separate agreements which shall come into effect simultaneously with this Compact.

Section 234

"Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Government of the Marshall Islands and the Federated States of Micronesia as set forth in a separate agreement which shall come into effect simultaneously with this Compact. The provisions of this Section shall not apply to the property of the Government of the United States for which the Government of the United States determines a continuing requirement.

Section 235

"(a) Funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands, in his official capacity, as of the effective date of this Compact shall remain available as trust funds to their designated beneficiaries. The Government of the United States, in consultation with the Government of the Marshall Islands or the Federated States of Micronesia, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

"(b) To provide for the continuity of administration, and to assure the Governments of the Marshall Islands and the Federated States of Micronesia that the purpose of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Commissioner of the Trust Territory of the Pacific Islands.

Section 236

"Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Articles I and III of this Title. The obligation of the United States under Articles I and III of this Title shall be enforceable in the United States Claims Court [now United States Court of Federal Claims], or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States.

Article IV

"Trade

Section 241

"The Marshall Islands and the Federated States of Micronesia are not included in the customs territory of the United States.

Section 242

"For the purpose of assessing duties on their products imported into the customs territory of the United States, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were insular possessions of the United States within the meaning of General Headnote 3(a) of the Tariff Schedules of the United States. The exceptions, valuation procedures and all other provisions of General Headnote 3(a) shall apply to any product deriving from the Marshall Islands or the Federated States of Micronesia.

Section 243

"All products of the Marshall Islands or the Federated States of Micronesia imported into the customs territory of the United States which are not accorded the treatment set forth in Section 242 and all products of the United States imported into the Marshall Islands or the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

Article V

"Finance and Taxation

Section 251

"The currency of the United States is the official circulating legal tender of the Marshall Islands and the Federated States of Micronesia. Should the Government of the Marshall Islands or the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

"The Government of the Marshall Islands or the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as such Government deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact be made according to the United States Internal Revenue Code.

Section 253

"A citizen of the Marshall Islands or the Federated States of Micronesia, domiciled therein, shall be exempt from tax imposed on income arising in a foreign country.

"(a) Income taxes imposed by the Government of the United States upon fixed or determinable annual income.

"(b) Estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

Section 254

"(a) In determining any income tax imposed by the Government of the Marshall Islands or the Federated Islands.
States of Micronesia, those Governments shall have authority to impose tax upon income derived by a resident of the Marshall Islands or the Federated States of Micronesia from sources without the Marshall Islands and the Federated States of Micronesia, in the same manner and to the same extent as those Governments impose tax upon income derived from within their respective jurisdictions. If the Government of the Marshall Islands or the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Marshall Islands or the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Marshall Islands or the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term 'resident of the Marshall Islands or the Federated States of Micronesia' shall be deemed to include any person who was physically present in the Marshall Islands or the Federated States of Micronesia for a period of 183 or more days during any taxable year, provided, that as between the Government of the Marshall Islands and the Federated States of Micronesia, the authority to tax an individual resident of the Marshall Islands or the Federated States of Micronesia in respect of income from sources without the Marshall Islands and the Federated States of Micronesia as provided in this subsection may be exercised only by the Government in whose jurisdiction such individual was physically present for the greatest number of days during the taxable year.

(b) If the Government of the Marshall Islands or the Federated States of Micronesia subjects income from sources without the Marshall Islands and the Federated States of Micronesia to tax in a manner substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in Section 254(a).

Section 255

Where not otherwise manifestly inconsistent with the intent of this Compact, provisions in the United States Internal Revenue Code that are applicable to possessions of the United States as of January 1, 1980 shall be treated as applying to the Marshall Islands and the Federated States of Micronesia. If such provisions of the Internal Revenue Code are amended, modified or repealed after that date and the provisions shall continue to be in effect as to the Marshall Islands and the Federated States of Micronesia for a period of two years during which time the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall negotiate an agreement which shall provide benefits substantially equivalent to those which obtained under such provisions.

Title Three

Security and Defense Relations

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) This authority and responsibility includes:

(1) the obligation to defend the Marshall Islands and the Federated States of Micronesia and their peoples from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Marshall Islands and the Federated States of Micronesia by military personnel or for the military purposes of any third country;

(3) the option to establish and use military areas and facilities in the Marshall Islands and the Federated States of Micronesia, subject to the terms of the separate agreements referred to in Sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with Sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Marshall Islands and the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with those Governments, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) The consultations referred to in this Section shall be conducted expeditiously at senior levels of the Governments concerned, and the subsequent determination by the Government of the United States referred to in this Section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this Section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Marshall Islands or the Federated States of Micronesia:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or over flight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by Section 314(b).

(d) No material or substance referred to in this Section shall be stored in the Marshall Islands or the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this Section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in Section 161(e) shall have no effect on the obli-
gations of the Government of the United States under this Section or on the application of this subsection.

"(f) The provisions of this Section shall apply in the areas in which the Government of the Marshall Islands or the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

"Section 315

"The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Marshall Islands or the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval by the Government of the Marshall Islands or the Federated States of Micronesia.

"Section 316

"The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

"Article II

"Defense Facilities and Operating Rights

"Section 321

"(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Marshall Islands or the Federated States of Micronesia are set forth in separate agreements which shall come into effect simultaneously with this Compact. The Government of the United States shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

"(b) The Government of the United States recognizes and respects the scarcity and special importance of land in the Marshall Islands and the Federated States of Micronesia. In making any requests pursuant to Section 321(a), it may request the Government of the United States to consider the request through leases or other arrangements. The Government of the Marshall Islands or the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

"(c) The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Marshall Islands and the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

"Section 322

"The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Marshall Islands or the Federated States of Micronesia, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

"Article III

"Defense Treaties and International Security Agreements

"Section 331

"Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to the Marshall Islands and the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

"(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact.

"(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Marshall Islands and the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Marshall Islands or the Federated States of Micronesia.

"Article IV

"Service in Armed Forces of the United States

"Section 341

"Any person entitled to the privileges set forth in Section 141 shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such person does not establish habitant residence in the United States, its territories or possessions.

"Section 342

"The Government of the United States shall have enrolled, at any one time, at least two qualified students, one each from the Marshall Islands and the Federated States of Micronesia, as may be nominated by their respective Governments, in each of:

"(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

"(b) The United States Merchant Marine Academy pursuant to [former] 46 U.S.C. [App. 1295b(b)(6)] [46 U.S.C. 51304], as provided that the provisions of 46 U.S.C. [App.] 1295b(b)(6)(C) [now 46 U.S.C. 51304(b)(2)] shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

"Article V

"General Provisions

"Section 351

"(a) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall establish two Joint Committees empowered to consider disputes under the implementation of this Title and its related agreements.

"(b) The membership of each Joint Committee shall comprise selected senior officials of each of the two participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of each Joint Committee. For the meetings of each Joint Committee, each of the two participating Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

"(c) Unless otherwise mutually agreed, each Joint Committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. A Joint Committee also shall meet promptly upon request of either of its members. Upon notification by the Government of the United States, the Joint Committees shall meet promptly in a combined session to consider matters within the jurisdiction of more than one Joint Committee. Each Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

"(d) Unresolved issues in each Joint Committee shall be referred to the Governments concerned for resolution, and the Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expedient basis, an opportunity to raise its con-
cerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

"In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Governments of the Marshall Islands and the Federated States of Micronesia under Titles One, Two and Four and to their responsibility to assure the well-being of their peoples.

Section 353

"(a) The Government of the United States shall not include any of the Governments of the Marshall Islands and the Federated States of Micronesia as named parties to a formal declaration of war, without their respective consent.

"(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Marshall Islands or the Federated States of Micronesia, which arise out of armed conflict subsequent to the effective date of this Compact and which are:

(1) petitions to the Government of the United States for redress; or
(2) claims in any manner against the government, citizens, nationals or entities of any third country.

"(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

"(a) Notwithstanding any other provision of this Compact, the provisions of this Title are binding from the effective date of this Compact for a period of fifteen years between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia and thereafter as mutually agreed or in accordance with Section 231, unless earlier terminated by mutual agreement pursuant to Section 441, or amended pursuant to Article III of Title Four.

"(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, and in view of the existence of separate agreements with each of them pursuant to Sections 321 and 323, that, even if this Title should be terminated, any attack on the Marshall Islands or the Federated States of Micronesia during the period in which such separate agreements are in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Marshall Islands and the Federated States of Micronesia in accordance with its constitutional processes.

Title Four

General Provisions

Article I

Approval and Effective Date

Section 411

"This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of the Marshall Islands or the Federated States of Micronesia and subsequent to completion of the following:

(a) Approval by the Government of the Marshall Islands or the Federated States of Micronesia in accordance with its constitutional processes.

(b) Conduct of the plebiscite referred to in Section 412.
arising exclusively under Articles I, II, III, IV and V of Title One; Title Two, Title Four and their related agreements.

"(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

"(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

"(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the other party to the dispute.

"Article III

"Amendment

"Section 431

"The provisions of this Compact may be amended as to the Governments of the Marshall Islands and the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement.

"Section 432

"The provisions of this Compact may be amended as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement. The effect of any amendment made pursuant to this Section shall be restricted to the relationship between the Governments agreeing to such amendment, but the other Governments signatory to this Compact shall be notified promptly by the Government of the United States of any such amendment.

"Article IV

"Termination

"Section 441

"This Compact may be terminated as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States by mutual agreement and subject to Section 451.

"Section 442

"This Compact may be terminated by the Government of the United States as to the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 442, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

"Section 443

"This Compact shall be terminated, pursuant to their respective constitutional processes, by the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 443 if the people represented by such Government vote in a plebiscite to terminate. Such Government shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such Government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such Government shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

"Article V

"Survivability

"Section 451

"Should termination occur pursuant to Section 441, economic assistance by the Government of the United States shall continue on mutually agreed terms.

"Section 452

"(a) Should termination occur pursuant to Section 442, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed: (1) Article VI and Sections 172, 173, 176 and 177 of Title One; (2) Article I and Section 233 of Title Two; (3) Title Three; and (4) Articles II, III, V and VI of Title Four.

"(b) The Government of the United States shall also provide the Government as to which termination occurs pursuant to Section 442 with either the programs or services provided pursuant to Article II of Title Two as the time of termination, or their equivalent, as determined by the Government of the United States. Such assistance shall continue until the fifteenth anniversary of the effective date of this Compact, and thereafter as mutually agreed.

"Section 453

"Should termination occur pursuant to Section 443, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed: (1) Article VI and Sections 172, 173, 176 and 177 of Title One; (2) Title Three; and (3) Articles II, III, V and VI of Title Four.

"(b) Upon receipt of notice of termination pursuant to Section 443, the Government of the United States and the Government so terminating shall promptly consult with regard to their future relationship. These consultations shall determine the level of economic assistance which the Government of the United States shall provide to the Government so terminating for the period ending on the fifteenth anniversary of the effective date of this Compact provided that the annual amounts specified in Sections 211, 212, 214, 215 and 216 shall continue without diminution. Such amounts, with the exception of those specified in Section 216, shall be adjusted according to the formula set forth in Section 217.

"Section 454

"Notwithstanding any other provision of this Compact:


"(b) The separate agreements referred to in Article II of the Title Three shall remain in effect in accordance with their terms which shall also determine the duration of Section 213.
"Article VI

"Definition of Terms

"Section 461

"For the purpose of this Compact only and without prejudice to the views of the Government of the United States or the Government of the Marshall Islands or the Federated States of Micronesia as to the nature and extent of the jurisdiction under international law of any of them, the following terms shall have the following meanings:

"(a) 'Trust Territory of the Pacific Islands' means the area established in the Trusteeship Agreement consisting of the administrative districts of Kosrae, Yap, Pohnpei, the Marshall Islands and Truk as described in Title One, Trust Territory Code, Section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.


"(c) The Marshall Islands' and 'the Federated States of Micronesia' are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

"(d) 'Government of the Marshall Islands' means the Government established and organized by the Constitution of the Marshall Islands including all the political subdivisions and entities comprising that Government.

"(e) The following terms shall be defined consistent with the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5) as follows:

"(1) 'Radio Communications' means telecommunications by means of radio waves.

"(2) 'Station' means one or more transmitters or receivers or a combination of transmitters and receivers by means of radio equipment necessary for transmitting or receiving messages at one location for carrying on a radio communication service; each station shall be classified by the service in which it operates permanently or temporarily.

"(3) 'Broadcasting Service' means a radio communication service in which the transmissions are intended for direct reception by the general public, and which may include sound transmissions, television transmissions or other types of transmissions.

"(4) 'Broadcasting Station' means a station in the broadcasting service.


"(g) 'Habitual Residence' means a place of general abode or a principal, actual dwelling place of a continuing or last nature; provided, however, that this term shall not apply to the residence of any person who entered the United States for the purpose of full-time studies as long as such person maintains that status, or who has been physically present in the United States, the Marshall Islands, or the Federated States of Micronesia for less than one year, or who is a dependent of a resident representative, as described in Section 152.

"(h) For the purposes of Article IV of Title One of this Compact:

"(1) 'Actual Residence' means physical presence in the Marshall Islands or the Federated States of Micronesia during eighty-five percent of the period of residency required by Section 141(a)(3).

"(2) ‘Certificate of Actual Residence’ means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3).

"(i) 'Military Areas and Facilities' means those areas and facilities in the Marshall Islands or the Federated States of Micronesia reserved or acquired by the Government of the Marshall Islands or the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in Section 321.

"(j) 'Capital Account' means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for:

"(1) the construction or major repair of capital infrastructure; or

"(2) public and private sector projects identified in the official overall economic development plan.

"(k) 'Current Account' means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

"(l) 'Official Overall Economic Development Plan' means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authorized by this Compact. Such a document should include an analysis of population trends, manpower requirements, social needs, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of the Marshall Islands or the Federated States of Micronesia. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

"(m) 'Tariff Schedules of the United States' means the Tariff Schedules of the United States as amended to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.


"Section 462

"The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia, as appropriate, shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, as follows:

"(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 132 of the Compact of Free Association;

"(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 132 of the Compact of Free Association;

"(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 176 of the Compact of Free Association;

"(d) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

"(e) Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association;

"(f) Agreement Concluded Pursuant to Section 234 of the Compact of Free Association;
“(g) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association;
“(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association;
“(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association;
“(j) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

Section 463
“(a) Except as set forth in Section 463(b), any reference in this Compact to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as such provision was in force on January 1, 1980.
“(b) Any reference in Article VI of Title One and Sections 131, 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act or the Administrative Procedure Act constitutes the incorporation of the language of such provision into this Compact as such provision is in force on the effective date of this Compact or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Article VII
“Concluding Provisions

Section 471
“(a) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree that they have full authority under their respective Constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.
“(b) Each of the Governments of the United States, the Marshall Islands and the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact.
“(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

Section 472
“This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.
“In Witness Whereof, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.
“DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO
“FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
“AMBASSADOR FRED M. ZEDER, II
“PRESIDENT’S PERSONAL REPRESENTATIVE
“FOR MICRONESIAN STATUS NEGOTIATIONS
“DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO
“FOR THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA
“HONORABLE ANDON L. AMARACH
“CHAIRMAN, COMMISSION ON FUTURE POLITICAL STATUS AND TRANSITION
“DONE AT MAJURO, MARSHALL ISLANDS, THIS 27TH DAY OF JUNE, ONE THOUSAND, NINE HUNDRED, EIGHTY-THREE
“FOR THE GOVERNMENT OF THE MARSHALL ISLANDS
“PRESIDENT AMATA KABUA
“PRESIDENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

Section 473
“(a) The President of the United States, the President of the Republic of the Marshall Islands, the President of the Federated States of Micronesia, the Secretary of Homeland Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6, Domestic Security.
“(b) This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.
“In Witness Whereof, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.
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“AMBASSADOR FRED M. ZEDER, II
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“DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO
“FOR THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA
“HONORABLE ANDON L. AMARACH
“CHAIRMAN, COMMISSION ON FUTURE POLITICAL STATUS AND TRANSITION
“DONE AT MAJURO, MARSHALL ISLANDS, THIS 27TH DAY OF JUNE, ONE THOUSAND, NINE HUNDRED, EIGHTY-THREE
“FOR THE GOVERNMENT OF THE MARSHALL ISLANDS
“PRESIDENT AMATA KABUA
“PRESIDENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

Section 474
“(a) Except as set forth in Section 474(b), any reference in this Compact to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as such provision was in force on January 1, 1980.
“(b) Any reference in Article VI of Title One and Sections 131, 174, 175, 178 and 322 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act or the Administrative Procedure Act constitutes the incorporation of the language of such provision into this Compact as such provision is in force on the effective date of this Compact or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Section 475
“(a) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree that they have full authority under their respective Constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.
“(b) Each of the Governments of the United States, the Marshall Islands and the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact.
“(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

Section 476
“This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.
“In Witness Whereof, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.
“DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO
“FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
“AMBASSADOR FRED M. ZEDER, II
“PRESIDENT’S PERSONAL REPRESENTATIVE
“FOR MICRONESIAN STATUS NEGOTIATIONS
“DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO
“FOR THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA
“HONORABLE ANDON L. AMARACH
“CHAIRMAN, COMMISSION ON FUTURE POLITICAL STATUS AND TRANSITION
“DONE AT MAJURO, MARSHALL ISLANDS, THIS 27TH DAY OF JUNE, ONE THOUSAND, NINE HUNDRED, EIGHTY-THREE
“FOR THE GOVERNMENT OF THE MARSHALL ISLANDS
“PRESIDENT AMATA KABUA
“PRESIDENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

Section 477
“(a) The President of the United States, the President of the Republic of the Marshall Islands, the President of the Federated States of Micronesia, the Secretary of Homeland Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6, Domestic Security.
“(b) This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.
“In Witness Whereof, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.
“DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO
“FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
“AMBASSADOR FRED M. ZEDER, II
“PRESIDENT’S PERSONAL REPRESENTATIVE
“FOR MICRONESIAN STATUS NEGOTIATIONS
“DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO
“FOR THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA
“HONORABLE ANDON L. AMARACH
“CHAIRMAN, COMMISSION ON FUTURE POLITICAL STATUS AND TRANSITION
“DONE AT MAJURO, MARSHALL ISLANDS, THIS 27TH DAY OF JUNE, ONE THOUSAND, NINE HUNDRED, EIGHTY-THREE
“FOR THE GOVERNMENT OF THE MARSHALL ISLANDS
“PRESIDENT AMATA KABUA
“PRESIDENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

Section 478
“(a) Except as set forth in Section 478(b), any reference in this Compact to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as such provision was in force on January 1, 1980.
“(b) Any reference in Article VI of Title One and Sections 131, 174, 175, 178 and 322 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act or the Administrative Procedure Act constitutes the incorporation of the language of such provision into this Compact as such provision is in force on the effective date of this Compact or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.
and for treatment of related references, see sections 242, 243.d, 244, 245, 246, 247, and 248 of Title 6. Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]  

[For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which reporting requirements under section 211(c) of the Compact of Free Association, set out above, are listed as the 5th and 6th items on page 113), see section 3006 of Pub. L. 104-48, as amended, set out as a note under section 1113 of Title 31, Money and Finance.]  

**Clarification of Certain Trade and Tax Provisions of Compact of Free Association**  

Title IV of Pub. L. 99–239 provided that:

**"SEC. 401. FREELY ASSOCIATED STATES TARIFF TREATMENT."**  

"(a) Subsection 242.—Section 242 of the Compact (set out above) shall be construed and applied as if it read as follows:

"Section 242. The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia or the Marshall Islands which are not exempt from duty under paragraphs (1), (2), (3), and (4) of section 242 shall be subject to the rates of duty set forth in column numbered 1 of the Tariff Schedules of the United States and all products of the United States imported into the Federated States of Micronesia or the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage, or use.

"(b) Subsection (b) of section 253 of the Compact shall not apply only to individuals who are nonresidents and not citizens of the United States.

**"SEC. 402. CONSTRUCTION OF SECTION 253 OF THE COMPACT."**

"(a) Subsection (a) of section 253 of the Compact shall not apply.

"(b) Subsection (b) of section 253 of the Compact shall apply only to individuals who are nonresidents and not citizens of the United States.

**"SEC. 403. CONSTRUCTION OF SECTION 254 OF THE COMPACT."**

"(a) Subsection (a) of section 254 of the Compact shall not apply.

"(b) Subsection (b) of section 254 of the Compact shall apply only to individuals who are nonresidents and not citizens of the United States.

**"SEC. 404. CONSTRUCTION OF SECTION 255 OF THE COMPACT."**

"Section 255 of the Compact shall be construed and applied as if it read as follows:

"Section 255. (a) Extension of Section 936 to the Marshall Islands and the Federated States of Micronesia.—For purposes of section 936 of the Internal Revenue Code of 1986, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were possessions of the United States.

"(b) Exchange of Information.—Subsection (a) shall not apply to the Marshall Islands and the Federated States of Micronesia (as the case may be) for any period after December 31, 1986, during which there is not in effect between the appropriate government and the United States an exchange of information agreement of the kind described in section 274(h)(6)(C) (other than clause (ii) thereof) of the Internal Revenue Code of 1986.

"(c) Procedure if Section 936 Incentives Reduced.—If the tax incentives extended to the Marshall Islands and the Federated States of Micronesia under subsection (a) are, at any time during which the Compact is in effect, reduced, the Secretary of the Treasury shall negotiate an agreement with the Marshall Islands and the Federated States of Micronesia under which, when such agreement is approved by law, they will be provided with benefits substantially equivalent to such reduction in benefits. If, within the 1 year period after the date of the enactment of the Act making the reduction in benefits, an agreement negotiated under the preceding sentence is not approved by law, the matter shall be submitted to the Arbitration Board established pursuant to section 424 of the Compact. For purposes of Article V of Title Two of the Compact, the Secretary of the Treasury or his delegate shall be the member of such Board representing the Government of the United States. Any decision of such Board in the matter when approved by law shall be binding on the United States, except that such decision rendered is binding only as to whether the United States has provided the substantially equivalent benefits referred to in this subsection.

**"SEC. 405. THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA TREATED AS NORTH AMERICAN AREA."**

‘North American Area’ shall include the Marshall Islands and the Federated States of Micronesia.

“SEC. 406. EFFECTIVE DATE.

“This title shall apply to income earned, and transacting, occurring, after September 30, 1985, in taxable years ending after such date.

“SEC. 407. STUDY OF TAX PROVISIONS.

“The Secretary of the Treasury or his delegate—

“(1) shall conduct a study of the effects of the tax provisions of the Compact (as clarified by the foregoing provisions of this title) and

“(2) shall report the results of such study before October 1, 1987, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.


“SEC. 408. COORDINATION WITH OTHER PROVISIONS.

“Nothing in any provision of this joint resolution [see Short Title note above] (other than this title) which is inconsistent with any provision of this title shall have any force or effect.”

EX. ORD. No. 12569. MANAGEMENT OF COMPACT OF FREE ASSOCIATION WITH REPUBLIC OF THE MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PUBLIC OF PALAU


By the authority vested in me as President by the Constitution and laws of the United States, including the Compact of Free Association (the Compact) [set out above] and Public Law 99–239, (the Act) [see Short Title note above], it is ordered as follows:

SECTION 1. Responsibility of the Secretary of State. The Secretary of State shall conduct the government-to-government relations of the United States with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (the “Freely Associated States”), including any subdivisions, officials or persons thereof, and may delegate or allocate such of his authority under this Order to such other United States officials as he may from time to time deem desirable. The authority of the Secretary of State shall include, consistent with Article V of Title One of the Compact and section 105(b)(1) of the Act [48 U.S.C. 1965(b)(1)], the establishment and maintenance of representatives in the Freely Associated States, supervision of the United States representatives and their staff. The Secretary also shall provide, in accordance with applicable law, for appropriate privileges, immunities, and assistant to representatives to the United States designated by the Governments of the Freely Associated States, together with their officers and staff. In accordance with applicable law and the provisions of this Order, the Secretary also shall have the authority and responsibility to take such other actions as may be necessary and appropriate to ensure that the authorities and obligations of the United States set forth in the Compact and its related agreements and in the laws of the United States as they relate to the conduct of government-to-government relations with the Freely Associated States are carried out. The Secretary shall provide from appropriations made to the Department of State such funds as may be necessary to carry out the provisions of this Order in relation to the activities of the Department of State.

SNC. 2. Responsibility of the Secretary of the Interior. The Secretary of the Interior shall be responsible for seeking the appropriation of funds for and, in accordance with the laws of the United States, shall make available to the Freely Associated States, the United States economic and financial assistance appropriated pursuant to Article I of Title Two of the Compact; the grant, service, and program assistance appropriated pursuant to Article II of Title Two of the Compact; and all other United States assistance appropriated pursuant to the Compact and its related agreements. The Secretary shall coordinate and monitor any program or any activity by any department or agency of the United States provided to the Freely Associated States and shall coordinate and monitor related economic development planning. This Section shall not apply to services provided by the Department of Defense to the Freely Associated States or to activities pursuant to Section 1 of this Order, including activities under the Peace Corps Act (22 U.S.C. 2501 et seq.).


(a) There is established an Interagency Group on Freely Associated State Affairs for the purpose of providing guidance and oversight with respect to the establishment and implementation of policy concerning the Compact and United States relations with the Freely Associated States.

(b) The Interagency Group shall consist of the Secretary of State or his designee, who shall chair the Group, and of the principal officers or their designees from the Departments of the Interior, Defense, Commerce, Energy, and Justice, the Organization of the Joint Chiefs of Staff, the Office of Management and Budget, the National Security Council, and such other departments and agencies as may from time to time be appropriate.

(c) The Interagency Group shall make such recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning United States relations with the Freely Associated States. The Interagency Group also shall provide such guidance as it deems appropriate to departments and agencies delegated authority by this Order concerning administration of laws with respect to the Freely Associated States.

(d) If any department or agency charged by this Order with implementation of the Compact or other laws of the United States with respect to the Freely Associated States concludes that noncompliance sanctions pursuant to section 105(g) of the Act [48 U.S.C. 1965(g)] are appropriate, it shall make appropriate recommendations to the Interagency Group. The Interagency Group shall consider these recommendations and report its findings to the President for his review in making that determination.

(e)(1) The Secretary of State shall be responsible for the conduct of United States relations with the Freely Associated States, carry out related matters, and provide appropriate support to the Interagency Group, bearing in mind the continued special relationship between the United States and the Freely Associated States.

(2) The Secretaries of Defense and Interior may, to the extent permitted by law, delegate any or all of their respective authorities and responsibilities as described in this Order to the Secretary of State or his or her designee. The Secretary of State or his or her designee shall serve as Executive Secretary of the Interagency Group.

(3) Personnel additional to that provided by the Secretary of State may be detailed to the Department of State by the Executive departments and agencies that are members of the Interagency Group, and by other agencies as appropriate. Executive departments and agencies shall, to the extent permitted by law, provide such information, advice, and administrative services and facilities to the Secretary of State as may be necessary to conduct United States relations with the Freely Associated States.

SNC. 4. United States Representatives to the Freely Associated States. The United States Representative assigned to a Freely Associated State in accordance with Article V of Title One of the Compact shall be the representative of the Government of the United States in an official capacity in that Freely Associated State, and shall super-
vise the actions of any Executive department or agency personnel assigned permanently or temporarily to that Freely Associated State.

Sec. 5. Cooperation among Executive Departments and Agencies. All Executive departments and agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Group and the Secretary of State shall facilitate such cooperative measures. Nothing in this Order shall be construed to impair the authority and responsibility of the Secretary of Defense for security and defense matters in or relating to the Freely Associated States.

Sec. 6. Delegation to the Secretary of the Interior. The following authorities are delegated to the Secretary of the Interior:

(a) Reporting to the Congress on economic development plans prepared by the Government of the Federated States of Micronesia and the Government of the Marshall Islands, pursuant to sections 102(b) and 103(b) of the Act (48 U.S.C. 1902(b), 1903(b));

(b) The determination required by section 103(e) of the Act concerning the qualifications of the investment management firm selected by the Government of the Marshall Islands;

(c) Reporting to the Congress with respect to the impact of the Compact of Free Association on the United States territories and commonwealths and on the State of Hawaii, pursuant to section 104(e)(2) of the Act (48 U.S.C. 1904(e)(2)); and

(d) Causing an annual audit to be conducted of the annual financial statements of the Government of the Federated States of Micronesia and the Government of the Marshall Islands, pursuant to section 118(b) of the Act (48 U.S.C. 1910(b)).

Sec. 7. Delegation to the Secretary of State. The following authorities are delegated to the Secretary of State:

(a) Reporting to the Congress on crimes in the Federated States of Micronesia and the Marshall Islands which have an impact upon United States jurisdictions, pursuant to sections 102(a)(4) and 103(a)(4) of the Act (48 U.S.C. 1902(a)(4), 1903(a)(4));

(b) Submitting the certification and report to the Congress for purposes of section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975), pursuant to section 104(c)(3) of the Act (48 U.S.C. 1904(c)(3)); and

(c) Reporting, with the concurrence of the Secretary of Defense, to the Congress on determinations made regarding security and defense, pursuant to section 105(q) of the Act (former 48 U.S.C. 1905(q)).

Sec. 8. Supersession and Saving Provisions.

(a) Subject to the provisions of Section 9 of this Order, prior Executive orders concerning the former Trust Territory of the Pacific Islands are hereby superseded and rendered inapplicable, except that the authority of the Secretary of the Interior as provided in applicable provisions of Executive Order No. 11021, as amended [formerly 48 U.S.C. 1681 note], shall remain in effect, in a manner consistent with this Order and pursuant to section 105(c)(2) of the Act (48 U.S.C. 1905(c)(2)), to terminate the trust territory government and discharge its responsibilities, at which time the entirety of Executive Order No. 11021 shall be superseded.

(b) Nothing in this Order shall be construed as modifying the rights or obligations of the United States under the provisions of the Compact or as affecting or modifying the responsibility of the Secretary of State and the Attorney General to interpret the rights and obligations of the United States arising out of or concerning the Compact.

Sec. 9. Effective Date. This Order shall become effective with respect to a Freely Associated State simultaneously with the entry into force of the Compact for that State.

§ 1902. Agreements with Federated States of Micronesia

(a) Law enforcement assistance

(1) Agreement

The President of the United States shall negotiate with the Government of the Federated States of Micronesia an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated October 1, 1982, and transmitted to the Congress by the President on February 20, 1983. Such additional agreement shall provide as follows:

(A) Mutual assistance in law enforcement

The law enforcement agencies of the United States and the Federated States of Micronesia shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Federated States of Micronesia specified in subparagraph (C) of this paragraph. The United States and the Federated States of Micronesia will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Federated States of Micronesia. In conducting activities authorized in accordance with this section, the United States and the Federated States of Micronesia will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

(B) Narcotics and control of illegal substances

The United States and the Federated States of Micronesia will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Federated States of Micronesia for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 802(6) of title 21 and Schedules I through V of Subchapter II of the Controlled Substances Act of the Federated States of Micronesia, or for the distribution of any such substance to or from the Federated States of Micronesia or to or from the United States or any of its territories or commonwealths.

(C) Other criminal laws

Assistance provided pursuant to this subsection shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Federated States of Micronesia related to terrorism, espionage, racketeering influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

(2) Technical and training assistance

Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equip-
ment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 1905(l) of this title may be used to reimburse State or local agencies providing such assistance.

(3) Consultation

Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

(4) Report

The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Federated States of Micronesia which have an impact upon United States jurisdictions, and propose measures which the United States and the Federated States of Micronesia should take in order to prevent and prosecute violations of the laws of the United States and the Federated States of Micronesia. The reports required under section 2291(e)1 of title 22 shall include relevant information concerning the Federated States of Micronesia.

(b) Economic development plans review process

(1) Submission

Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 1901(a) of this title if the Government of the Federated States of Micronesia agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

(2) United States Government review

The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

(3) Report

The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President’s receipt of such plans.

(4) Views and comments

The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Federated States of Micronesia may wish to have included.

(c) Agreement on audits

In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Federated States of Micronesia modifications to the ‘‘Agreement Concerning Procedures for the Implementation of United States Economic Assistance, Programs and Services Provided in the Compact of Free Association’’, which shall provide as follows:

(1) General authority of the GAO to audit

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Federated States of Micronesia under Articles I and II of Title Two of the Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Federated States of Micronesia.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) GAO access to records

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that per-

1 See References in Text note below.
mits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

(3) Representative status for GAO representatives

The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

(4) Annual financial statements

As part of the annual report submitted by the Government of the Federated States of Micronesia under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

(5) “Audits” defined

As used in this subsection, the term “audits” includes financial, program, and management audits, including determining—

(A) whether the Government of the Federated States of Micronesia has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Federated States of Micronesia pursuant to such grants or assistance.

(6) Cooperation by Federated States of Micronesia

The Government of the Federated States of Micronesia will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.


REFERENCES IN TEXT

The Compact, referred to in text, is the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, as amended, set out as a note under section 1901 of this title.

This joint resolution, referred to in subs. (a)(3) and (c)(6), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, as amended, known as the Compact of Free Association Act of 1985, which is classified principally to this part and chapter 19 (§2201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

Section 2291(e) of title 22, referred to in subsec. (a)(4), was repealed and section 2291(i) of title 22, relating to definitions, was redesignated section 2291(e) by Pub. L. 102–583, §6(b)(2), (3), Nov. 2, 1992, 106 Stat. 4932. See sections 2291h and 2291i of Title 22, Foreign Relations and Intercourse.

For Oct. 21, 1986, as the effective date of the Compact of Free Association with the Marshall Islands, and Nov. 3, 1986, as the effective date of the Compact of Free Association with the Federated States of Micronesia, referred to in subsec. (b)(1), see Proc. No. 5564, Nov. 3, 1986, 51 F.R. 40399, set out as a note under section 1801 of this title.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which reports required under subs. (a)(4) and (c)(4) of this section are listed as the 12th and last items on page 37), see section 3005 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 1903. Agreements with and other provisions related to Marshall Islands

(a) Law enforcement assistance

(1) Agreement

The President of the United States shall negotiate with the Government of the Marshall Islands an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated May 30, 1982, and transmitted to the Congress by the President on February 20, 1985. Such additional agreement shall provide as follows:

(A) Mutual assistance in law enforcement

The law enforcement agencies of the United States and the Marshall Islands shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Marshall Islands specified in subparagraph (C) of this paragraph. The United States and the Marshall Islands will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Marshall Islands. In conducting activities authorized in accordance with this section, the United States and the Marshall Islands will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

(B) Narcotics and control of illegal substances

The United States and the Marshall Islands will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Marshall Islands for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 802(6) of title 21 and Schedules I through V of Subchapter
II of the Controlled Substances Act of the Marshall Islands, or for the distribution of any such substance to or from the Marshall Islands or to or from the United States or any of its territories or commonwealths.

(C) Other criminal laws

Assistance provided pursuant to this subsection shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Marshall Islands related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

(2) Technical and training assistance

Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 1905(b) of this title may be used to reimburse State or local agencies providing such assistance.

(3) Consultation

Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

(4) Report

The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Marshall Islands which have an impact upon United States jurisdictions, and propose measures which the United States and the Marshall Islands should take in order to prevent and prosecute violations of the laws of the United States and the Marshall Islands. The reports required under section 2291(e) of title 22 shall include relevant information concerning the Marshall Islands.

(b) Economic development plans review process

(1) Submission

Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 1901(b) of this title if the Government of the Marshall Islands agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

(2) United States Government review

The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

(3) Report

The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President’s receipt of such plans.

(4) Views and comments

The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Marshall Islands may wish to have included.

(c) Ejit

(1) The President of the United States shall negotiate with the Government of the Marshall Islands an agreement whereby, without prejudice as to any claims which have been or may be asserted by any party as to rightful title and ownership of any lands on Ejit, the Government of the Marshall Islands shall assure that lands on Ejit used as of January 1, 1985, by the people of Bikini, will continue to be available without charge for their use, until such time as Bikini is restored and inhabitable and the continued use of Ejit is no longer necessary, unless a Marshall Islands court of competent jurisdiction finally determines that there are legal impediments to continued use of Ejit by the people of Bikini.

(2) If the impediments described in paragraph (1) do arise, the United States will cooperate with the Government of the Marshall Islands in assisting any person adversely affected by such judicial determination to remain on Ejit, or in locating suitable and acceptable alternative lands for such person’s use.

(3) Paragraph (1) shall not be applied in a manner which would prevent the Government of the Marshall Islands from acting in accordance with its constitutional processes to resolve title and ownership claims with respect to such lands or from taking substitute or additional measures to meet the needs of the people of Bikini with their democratically expressed consent and approval.

(d) Kwajalein payments

(1) Statement of policy

The Congress of the United States hereby declares that it is the policy of the United States...
that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, and the related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligations and responsibilities under Title Three of the Compact and the subsidiary agreements concluded pursuant thereto.

(2) Failure to pay

In the event that the Government of the Marshall Islands fails to make payments in accordance with paragraph (1) of this subsection, the Government of the United States shall initiate procedures under Section 313 of the Compact and consult with the Government of the Marshall Islands with respect to the basis for such non-payment of funds. The United States shall expeditiously resolve the matter of any non-payment of funds as described in paragraph (1) of this subsection pursuant to Section 313 of the Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands. This paragraph shall be enforced, as may be necessary, in accordance with section 1905(g)(2) of this title.

(3) Assistance

The President is hereby authorized to make loans and grants to the Government of the Marshall Islands for the sole use of the Kwajalein Development Authority for the benefit of the Kwajalein landowners of amounts sought by such authority for development purposes, to a development plan for Kwajalein Atoll which such authority has adopted in accordance with applicable laws of the Marshall Islands. Such loans and grants shall be subject to such other terms and conditions as the President, in his discretion, may determine appropriate and necessary.

(e) Section 177 Agreement

(1) In furtherance of the purposes of Article I of the Subsidiary Agreement for Implementation of Section 177 of the Compact, the payment of the amount specified therein shall be made by the United States under Article I of the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the “Section 177 Agreement”) only after the Government of the Marshall Islands has notified the President of the United States as to which investment management firm has been selected by such Government to act as Fund Manager under Article I of the Section 177 Agreement.

(2) In the event that the President determines that an investment management firm selected by the Government of the Marshall Islands does not meet the requirements specified in Article I of the Section 177 Agreement, the United States shall invoke the conference and dispute resolution procedures of Article II of Title Four of the Compact. Pending the resolution of such a dispute and until a qualified Fund Manager has been designated, the Government of the Marshall Islands shall place the funds paid by the United States pursuant to Article I of the Section 177 Agreement into an interest-bearing escrow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

(3) If the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

(4) At the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands for the Implementation of Section 177 of the Compact, any amounts which may be awarded to claimants pursuant to the Section 177 Agreement and this joint resolution, including information prepared by the Fund Manager, shall be transmitted by the Government of the Marshall Islands to the Congress. Such report shall include such information (whether received from the Fund Manager or any other source) as relates to the disbursements provided for in Article II of the Section 177 Agreement. Such report shall be made public.

(f) Nuclear test effects

In approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utirik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of $75,000,000 (Bikini); $48,750,000 (Enewetak), $37,500,000 (Rongelap); and $22,500,000 (Utirik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the Subsidiary agreement for the implementation of Section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact.

(g) Espousal provisions

(1) It is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the “Section 177 Agreement”) constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be termi-
nated and barred except insofar as provided for in the Section 177 Agreement.

(2) In furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

(b) DOE radiological health care program; USDA agricultural and food programs

(1) Marshall Islands program

Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining 174 members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear “Bravo” test, pursuant to Public Laws 95–134 and 96–205. Such medical care and its accompanying logistical support shall total $22,500,000 over the first 11 years of the Compact.

(2) Agricultural and food programs

Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first fifteen years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining 174 members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear “Bravo” test, pursuant to Public Laws 95–134 and 96–205. Such medical care and its accompanying logistical support shall total $22,500,000 over the first 11 years of the Compact.

(i) Rongelap

(1) Because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of the Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

(2) The purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: “The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978”, dated November 1982, are adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the data are inadequate to support such conclusions as to habitability or that such conclusions as to habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

(3) It is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Robert Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.
(j) Four atoll health care program

(1) Services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the “Section 177 Agreement”) shall be only for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utirik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95–134 and Public Law 96–205 and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.

(2) At the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

(3) The Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

(k) Enjebi Community Trust Fund

Notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as the “Enjebi Community Trust Fund” (hereafter in this subsection referred to as the “Fund”), and shall credit to the Fund the amount of $7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

(1) Enjebi trust agreement

The Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

(2) Monitor conditions

Upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

(3) Resettlement of Enjebi

In the event that the United States determines that the people of Enjebi can within 25 years of January 14, 1986, resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government’s overall economic development plan:

(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

(B) Replant Enjebi with appropriate food-bearing and other vegetation.

(4) Resettlement of other location

In the event that the United States determines that within 25 years of January 14, 1986, the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and concurred with by the Government of the Marshall Islands, to assure consistency with the government’s overall economic development plan.

(5) Interest from Fund

Prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest
earned by the Fund on no less frequent a basis than quarterly.

(6) **Disclaimer of liability**

Neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.

(1) **Bikini Atoll cleanup**

(1) **Declaration of policy**

The Congress hereby determines and declares that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraphs (2) and (3) of this subsection.

(2) **Cleanup funds**

There are hereby authorized to be appropriated such sums as are necessary to implement the settlement agreement of March 15, 1985, in The People of Bikini, et al. against United States of America, et al., Civ. No. 84–0425 (D. Ha.).

(3) **Conditions of funding**

The funds referred to in paragraph (2) shall be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

(m) **Agreement on audits**

In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Marshall Islands an agreement which shall provide as follows:

(1) **General authority of GAO to audit**

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Marshall Islands under Articles I and II of Title Two of the Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) **GAO access to records**

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance which shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Marshall Islands.

(3) **Representative status for GAO representatives**

The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

(4) **Annual financial statements**

As part of the annual report submitted by the Government of the Marshall Islands under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

(5) **“Audits” defined**

As used in this subsection, the term “audits” includes financial, program, and management audits, including determining—

(A) whether the Government of the Marshall Islands has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Marshall Islands pursuant to such grants or assistance.

(6) **Cooperation by Marshall Islands**

The Government of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General
to fully discharge his responsibilities under 
this joint resolution.


REFERENCES IN TEXT

The Compact, referred to in text, is the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, as amended, set out as a note under section 1901 of this title.

This joint resolution, referred to in subsecs. (a)(3), (e)(5), (f), and (m)(6), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, as amended, known as the Compact of Free Association Act of 1985, which is classified principally to this part and chapter 19 (§2001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

Section 229i(e) of title 22, referred to in subsec. (a)(4), was repealed and section 229i(i) of title 22, relating to definitions, was redesignated section 229i(e) by Pub. L. 102–583, §6(b)(2), (3), Nov. 2, 1992, 106 Stat. 4932. See sections 2291k and 2291i of Title 22, Foreign Relations and Intercourse.

For Oct. 21, 1986, as the effective date of the Compact of Free Association with the Marshall Islands, and Nov. 3, 1986, as the effective date of the Compact of Free Association with the Federated States of Micronesia, referred to in subsecs. (b)(1), (e)(4), (h)(2), and (j)(2), (3), see Proc. No. 5564, Nov. 3, 1986, 51 F.R. 40399, set out as a note under section 1801 of this title.

Public Law 95–134, as amended, popularly known as the Omnibus Territories Act of 1977. For complete classification of this Act to the Code, see Tables.

Public Law 96–205, as amended, popularly known as the Omnibus Territories Act of 1980. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

AMENDMENTS


Subsec. (h)(2)(B). Pub. L. 95–134, §2(2), inserted at end “The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs.’’


1996—Subsec. (h)(2). Pub. L. 100–446, in introductory provisions, inserted “or by a grant to the Government of the Republic of the Marshall Islands which may further contract only with a United States firm or a Republic of the Marshall Islands firm, the owners, officers and majority of the employees of which are citizens of the United States or the Republic of the Marshall Islands” after “United States firm” and, in subpar. (B), inserted “, Rongelap, Utirik,” after “Bikini”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which reports required under subsecs. (a)(4), (e)(5), and (m)(4) of this section are listed, respectively, as the 2nd item on page 38, the 16th item on page 115, and the 12th item on page 37), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

TAX EXEMPTION FOR ENJEBI COMMUNITY TRUST FUND

Pub. L. 100–647, title VI, §6136, Nov. 10, 1988, 102 Stat. 3723, provided that:

“(a) IN GENERAL.—Any earnings on, and distributions from, the Enjebi Community Trust Fund created under section 103 of the Compact of Free Association Act of 1985 (48 U.S.C. 1903) shall be exempt from all Federal, State, or local taxation.

“(b) EFFECTIVE DATE.—The provisions of subsection (a) shall apply to all taxable years whether beginning before, on, or after the date of the enactment of this Act (Nov. 10, 1988).”

MEDICAL CARE AND TREATMENT AND ENVIRONMENTAL RESEARCH AND MONITORING PROGRAM FOR INHABITANTS OF BIKINI, ENEWETAK, RONGELAP, AND UTIRIK


“(a) In addition to any other payments or benefits provided by law to compensate inhabitants of the atolls of Bikini, Enewetak, Rongelap, and Utirik, in the Marshall Islands, for radiation exposure or other losses sustained by them as a result of the United States nuclear weapons testing program at or near their atolls during the period 1946 to 1958, the Secretary of the Interior (hereinafter in this section referred to as the ‘Secretary’) shall provide for the people of the atolls of Bikini, Enewetak, Rongelap, and Utirik and for the people of such other atolls as may be found to be or have been exposed to radiation from the nuclear weapons testing program, a program of medical care and treatment and environmental research and monitoring for any injury, illness, or condition which may be the result directly or indirectly of such nuclear weapons testing program. The program shall be implemented according to a plan developed by the Secretary in consultation with the Secretaries of Defense, Energy, and Health and Human Services and with the direct involvement of representatives from the people of each of the affected atolls and from the government of the Marshall Islands. The plan shall set forth, as appropriate to the situation, condition, and needs of the individual atoll peoples:

“(1) an integrated, comprehensive health care program including primary, secondary, and tertiary care with special emphasis upon the biological effects of ionizing radiation;

“(2) a schedule for the periodic comprehensive survey and analysis of the radiological status of the atolls to and at appropriate intervals, but not less frequently than once every five years, the development of an updated radiation dose assessment, together with an estimate of the risks associated with the predicted human exposure, for each such atoll; and

“(3) an education and information program to enable the people of such atolls to more fully understand nuclear radiation and its effects;

“(b)(1) The Secretary shall submit to the Congress no later than January 1, 1981, together with his recommendations, if any, for further legislation. The plan shall set forth the specific agencies responsible for implementing the various elements of the plan. With respect to general health care the Secretary shall consider, and shall include in his recommendations, the feasibility of using the Public Health Service. After consultation with the Chairman of the National Academy of Sciences, the Secretary of Energy, the Secretary of Defense, and the Secretary of Health and Human Services, the Secretary shall establish a
scientific advisory committee to review and evaluate the implementation of the plan and to make such recommendations for its improvement as such committee deems advisable.

(2) At the request of the Secretary, any Federal agency shall provide such information, personnel, facilities, logistical support, or other assistance as the Secretary deems necessary to carry out the functions of this program; the costs of all such assistance shall be reimbursed to the provider thereof out of the sums appropriated pursuant to this section.

(3) All costs associated with the development and implementation of the plan shall be assumed by the Secretary of Energy and effective October 1, 1980, there are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to achieve the purposes of this section.

(4) The Secretary shall report to the appropriate committees of the Congress, and to the people of the affected atolls annually, or more frequently if necessary, on the implementation of the plan. Each such report shall include a description of the health status of 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 Committee on Interior and Insular Affairs [now Committee on Natural Resources] and Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Appropriations of the Senate together with the proposed budget for the next fiscal year, a description of the program and the estimated costs for implementation together with any recommendations which he may have for improvements in such program.

§ 1904. Interpretation of and United States policy regarding Compact of Free Association

(a) Human rights

In approving the Compact, the Congress notes the conclusion in the Statement of Intent of the Report of The Future Political Status Commission of the Congress of Micronesia in July, 1969, that “our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government” and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Marshall Islands. The Congress also notes and specifically endorses the preamble to the Compact, which affirms that the governments of the parties to the Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to the Congress pursuant to sections 116 and 502B of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n, 2304], a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Marshall Islands.

(b) Immigration

The rights of a bona fide naturalized citizen of the Marshall Islands or the Federated States of Micronesia to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a non-immigrant, pursuant to the provisions of section 141(a)(3) of the Compact, shall not extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

(c) Nonalienation of lands

The Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the Compact.

(d) Nuclear waste disposal

In approving the Compact, the Congress understands that the Government of the Federated States of Micronesia and the Government of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the Compact.

(e) Impact of Compact on U.S. areas

(1) Statement of congressional intent

In approving the Compact, it is not the intent of the Congress to cause any adverse consequences for the United States territories and commonwealths or the State of Hawaii.

(2) Annual reports and recommendations

One year after January 14, 1986, and at one year intervals thereafter, the Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor’s respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than 5 years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests...
such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year. Reports submitted pursuant to this paragraph (hereafter in this subsection referred to as “reports”) shall identify any adverse consequences resulting from the Compact and shall make recommendations for corrective action to eliminate those consequences. The reports shall pay particular attention to matters relating to trade, taxation, immigration, labor laws, minimum wages, social systems and infrastructure, and environmental regulation. With regard to immigration, the reports shall include statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report. With regard to trade, the reports shall include an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia and the Marshall Islands.

(3) Other views
In preparing the reports, the President shall request the views of the Government of the State of Hawaii, and the governments of each of the United States territories and commonwealths, the Federated States of Micronesia, the Marshall Islands, and Palau, and shall transmit the full text of any such views to the Congress as part of such reports.

(4) Commitment of Congress to redress adverse consequences
The Congress hereby declares that, if any adverse consequences to United States territories and commonwealths or the State of Hawaii result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences.

(5) “United States territories and commonwealths” defined
As used in this subsection, the term “United States territories and commonwealths” means the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) Impact costs
There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary to cover the costs, if any, incurred by the State of Hawaii, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia.

(f) Fisheries management
In clarification of Title One, Article II, section 121(b)(1) of the Compact:

(1) Nothing in the Compact or this joint resolution shall be interpreted as recognition by the United States of any claim by the Federated States of Micronesia or by the Marshall Islands to jurisdiction or authority over highly migratory species of fish during the time such species of fish are found outside the territorial sea of the Federated States of Micronesia or the Marshall Islands.

(2) It is the understanding of Congress that none of the monies made available pursuant to the Compact or this joint resolution will be used by either the Federated States of Micronesia or the Marshall Islands for enforcement actions against any vessel of the United States on the basis of fishing by any such vessel for highly migratory species of fish outside the territorial sea of the Federated States of Micronesia or the Marshall Islands, respectively, in the absence of a licensing agreement.

(3) Appropriate United States officials shall apply the policies and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Fishermen’s Protective Act of 1967 (22 U.S.C. 1971 et seq.) with regard to any action taken by the Federated States of Micronesia or the Marshall Islands affecting any vessel of the United States engaged in fishing for highly migratory species of fish in waters outside the territorial seas of the Federated States of Micronesia or the Marshall Islands, respectively. For the purpose of applying the provisions of section 5 of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1975), monies made available to either the Federated States of Micronesia or the Marshall Islands pursuant to the provisions of the Compact or this joint resolution shall be treated as “assistance to the government of such country under the Foreign Assistance Act of 1961” [22 U.S.C. 2151 et seq.]. For purposes of this Act only, certification by the President in accordance with such section 5 shall be accompanied by a report to Congress on the basis for such certification, and such certification shall have no effect if by law Congress so directs prior to the expiration of 60 days during which Congress is in continuous session following the date of such certification.

(4) For the purpose of paragraphs (1) and (3) of this subsection—

(A) The term “vessel of the United States” has the same meaning as provided in the first section of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1971).

(B) The terms “fishing” and “highly migratory species” have the same meanings as provided in paragraphs (10) and (14), respectively, of section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(10) and (14)).

(5) (A) It is the policy of the United States of America—

(i) to negotiate and conclude with the governments of the Central, Western, and South Pacific Ocean, including the Federated States of Micronesia and the Marshall Islands, a regional licensing agreement setting forth agreed terms of access for United States tuna vessels fishing in the region; and

(ii) that such an agreement should overcome existing jurisdictional differences and

1 See References in Text note below.
provide for a mutually beneficial relationship between the United States and the Pacific Island States that will promote the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean and the economic development of the region.

(B) At such time as an agreement referred to in subparagraph (A) is submitted to the Senate for advice and consent to ratification, the Secretary of State, after consultation with the Secretary of Commerce and other interested agencies and concerned governments, shall submit to the Congress a proposed long term regional fisheries development program which may include, but not be limited to—

(i) exploration for, and stock assessment of, tuna and other fish;
(ii) improvement of harvesting techniques;
(iii) gear development;
(iv) biological resource monitoring;
(v) education and training in the field of fisheries; and
(vi) regional and direct bilateral assistance in the field of fisheries.

(g) Foreign loans

The Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Marshall Islands.


REFERENCES IN TEXT

The Compact, referred to in text, is the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, as amended, set out as a note under section 1901 of this title.

This joint resolution and this Act, referred to in subsec. (f)(1) to (3), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, as amended, known as the Compact of Free Association Act of 1985, which is classified principally to this part and chapter 19 (§2001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.


Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802), referred to in subsec. (f)(4)(B), was subsequently amended, and section 3(10) and (14) no longer define the terms "fishing" and "highly migratory species". However, such terms are defined elsewhere in that section.

Codification

Section was formerly set out as a note under section 1661 of this title.

Amendments

2000—Subsec. (e)(2). Pub. L. 106–504 substituted “Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor’s respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than 5 years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.” for “President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.”.


Effective Date of 1996 Amendment

Section 101(a) [title II, §211(b)] of div. A of Pub. L. 104–208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

§1905. Supplemental provisions

(a) Domestic program requirements

Except as may otherwise be provided in this joint resolution, all United States Federal programs and services extended to or operated in the Federated States of Micronesia or the Marshall Islands are and shall remain subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs when operating in the United States (including its territories and commonwealths).

(b) Relations with Federated States of Micronesia and Marshall Islands

(1) The United States representatives to the Federated States of Micronesia and the Republic of the Marshall Islands pursuant to Article V of title I of the Compact shall be appointed by the President with the advice and consent of the Senate, and shall be under the supervision of the Secretary of State, who shall have responsibility for government to government relations between the United States and the Government with respect to whom they are appointed, consistent with the authority of the Secretary of the Interior as set forth in this section.

(2) Except for programs or services provided by or through other federal agencies or officials to the Federated States of Micronesia or the Republic of the Marshall Islands, or for which residents thereof are eligible pursuant to the Compact or any other provision of this joint resolution, appropriations made pursuant to the Compact or any other provision of this joint resolut-
tion may be made only to the Secretary of the Interior. The Secretary of the Interior shall coordinate and monitor any programs or activities, including such activities for which funding is made directly to such other agencies, provided to the Federated States of Micronesia or the Republic of the Marshall Islands by agencies of the Government of the United States and related economic development planning pursuant to the Compact or pursuant to any other authorization except for the provisions of sections 161(c), 313, and 351 of the Compact and the authorization of the President to agree to an effective date pursuant to this resolution. Funds appropriated to the Secretary of the Interior pursuant to this paragraph shall not be allocated to other Departments or agencies, except that the Secretary of the Interior shall be able to reimburse Departments or agencies for purposes authorized by this joint resolution.

(3) All programs and services provided to the Federated States of Micronesia and the Republic of the Marshall Islands by Federal agencies may be provided only after consultation with and under the supervision of the Secretary of the Interior, and the head of each Federal agency is directed to cooperate with the Secretary of the Interior and to make such personnel and services available as the Secretary of the Interior may request.

(4) Any United States Government personnel assigned, on a temporary or permanent basis, to either the Federated States of Micronesia or the Marshall Islands shall, during the period of such assignment, be subject to the supervision of the United States representative to that area.

(5) The President is hereby authorized to appoint an Interagency Group on Freely Associated States’ Affairs to provide policy guidance to federal departments and agencies. Such interagency group shall include the Secretary of the Interior and the Secretary of State.

c(Continuing Trust Territory authorization)

The authorization provided by the Act of June 30, 1954, as amended (68 Stat. 330) shall remain available after the effective date of the Compact with respect to the Federated States of Micronesia and the Marshall Islands for the following purposes:

(1) Prior to October 1, 1986, for any purpose authorized by the Compact or this joint resolution.

(2) Transition purposes, including but not limited to, completion of projects and fulfillment of commitments or obligations; termination of the Trust Territory Government and termination of the High Court; health and education as a result of exceptional circumstances; ex gratia contributions for the populations of Bikini, Eniwetok, Rongelap, and Utrik; and technical assistance and training in financial management, program administration, and maintenance of infrastructure, except that, for purposes of an orderly reduction of United States programs and services in the Federated States of Micronesia, the Marshall Islands, and Palau, United States programs or services not specifically authorized by the Compact of Free Association or by other provisions of law may continue but, unless reimbursed by the respective freely associated state, not in excess of the following amounts:

1. For fiscal year 1987, an amount not to exceed 75 per centum of the total amount appropriated for such programs for fiscal year 1986.

2. For fiscal year 1988, an amount not to exceed 50 per centum of the total amount appropriated for such programs for fiscal year 1986.

3. For fiscal year 1989, an amount not to exceed 25 per centum of the total amount appropriated for such programs for fiscal year 1986.

d(Continuing Trust Territory authorization)

(1) Federated States of Micronesia

In addition to the funds provided in Title Two, Article II, section 221(b) of the Compact, following approval of the Compact with respect to the Federated States of Micronesia, the United States shall make available to the Government of the Federated States of Micronesia such sums as may be necessary for the payment of the obligations incurred for the use of medical facilities in the United States, including any territories and commonwealths, by citizens of the Federated States of Micronesia before September 1, 1985.

(2) Marshall Islands

In addition to the funds provided in Title Two, Article II, section 221(b) of the Compact, following approval of the Compact with respect to the Marshall Islands, the United States shall make available to the Government of the Marshall Islands such sums as may be necessary for the payment of the obligations incurred for the use of medical facilities in the United States, its territories and commonwealths by citizens of the Marshall Islands before September 1, 1985.

(3) Use of funds

In making funds available pursuant to this subsection, the President shall take such actions as he deems necessary to assure that the funds are used only for the payment of the medical expenses described in paragraph (1) or (2) of this subsection, as the case may be.

(4) Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

e(Survivability)

In furtherance of the provisions of Title Four, Article V, sections 452 and 453 of the Compact, any provisions of the Compact which remain effective after the termination of the Compact by the act of any party thereto and which are affected in any manner by provisions of this part shall remain subject to such provisions.

(f) Registration for agents of Governments of Federated States of Micronesia and Marshall Islands

(1) In general

Notwithstanding the provisions of Title One, Article V, section 153 of the Compact, after approval of the Compact any citizen of the
United States who, without authority of the Government of the Marshall Islands or the Federated States of Micronesia with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Federated States of Micronesia and the Marshall Islands shall be considered to be foreign countries.

(2) Exception

Paragraph (1) of this subsection shall not apply to a citizen of the United States employed by either the Government of the Marshall Islands or the Government of the Federated States of Micronesia with respect to whom the employing Government from time to time certifies to the Government of the United States that such citizen is an employee of the Government of the Marshall Islands or the Government of the Federated States of Micronesia (as the case may be) whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

(3) Resident representative exemption

Nothing in this subsection shall be construed as amending Section 152(b) of the Compact.

(g) Noncompliance sanctions

(1) Authority of President

The President of the United States shall have no authority to suspend or withhold payments or assistance with respect to—

(A) section 177, 213, 216(a)(2), 216(a)(3), 221(b), or 223 of the Compact, or

(B) any agreements made pursuant to such sections of the Compact, unless such suspension or withholding is imposed as a sanction due to noncompliance by the Government of the Federated States of Micronesia or the Government of the Marshall Islands (as the case may be) with the obligations and requirements of such sections of the Compact or such agreements.

(2) Actions incompatible with United States authority

The Congress expresses its understanding that the Governments of the Federated States of Micronesia and the Marshall Islands will not act in a manner incompatible with the authority and responsibility of the United States for security and defense matters in or related to the Federated States of Micronesia or the Marshall Islands pursuant to the Compact, including the agreements referred to in sections 462(j) and 462(k) thereof. The Congress further expresses its intention that any such act on the part of either such Government will be viewed by the United States as a material breach of the Compact. The Government of the United States reserves the right in the event of such a material breach of the Compact by the Government of the Federated States of Micronesia or the Government of the Marshall Islands to take action, including (but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to that Government.

(h) Continuing programs and laws

(1) Federated States of Micronesia and Marshall Islands

In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 224 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Marshall Islands:

(A) the Legal Services Corporation;

(B) the Public Health Service; and

(C) the Farmers Home Administration (in the Marshall Islands and each of the four States of the Federated States of Micronesia: Provided, that in lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Farmers Home Loan Administration applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia).

(2) Palau

Upon the effective date of the Compact, the laws of the United States generally applicable to the Trust Territory of the Pacific Islands shall continue to apply to the Republic of Palau and the Republic of Palau shall be eligible for such proportion of Federal assistance as it would otherwise have been eligible to receive under such laws prior to the effective date of the Compact, as provided in appropriation Acts or other Acts of Congress.

(3) Section 219 determination

The determination by the Government of the United States under section 219 of the Compact shall be as provided in appropriation Acts.

(4) Tort claims

(A) At such time as the Trusteeship Agreement ceases to apply to either the Federated States of Micronesia or the Marshall Islands, the provisions of Section 178 of the Compact regarding settlement and payment of tort claims shall apply to employees of any federal agency of the Government of the United States which provides any service or carries out any other function pursuant to or in furtherance of any provisions of the Compact or
this Act, except for provisions of Title Three of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied. For purposes of this subparagraph (B), persons providing such service or carrying out such function pursuant to a contract with a federal agency shall be deemed to be an employee of the contracting federal agency.

(B) For purposes of the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), persons providing services to the people of the atolls of Bikini, Enewetak, Rongelap, and Utrik as described in Public Law 95–134 and Public Law 96–205 pursuant to a contract with a Department or agency of the federal government shall be deemed to be an employee of the contracting Department or agency working in the United States. This subparagraph (B) shall expire when the Trust Territory Agreement is terminated with respect to the Marshall Islands.

(5) Federal education grants

Pursuant to section 224 of the Compact or section 224 of the Compact with Palau (as contained in title II of Public Law 99–658), the Pell Grant Program, the Supplemental Educational Opportunity Grant Program, and the College Work-Study Program (as authorized by title IV of the Higher Education Act of 1965 [20 U.S.C. 1070 et seq.; 42 U.S.C. 2751 et seq.]) shall be extended to students who are, or will be, citizens of the Federated States of Micronesia, or the Marshall Islands and who attend postsecondary institutions within or outside the United States, its territories and commonwealths, the Trust Territory of the Pacific Islands, the Federated States of Micronesia, or the Marshall Islands, except that this paragraph shall not apply to any student receiving assistance pursuant to section 223 of the Compact or section 223 of the Compact with Palau (as contained in title II of Public Law 99–658).

(5) \(^2\) PCB cleanup

The programs and services of the Environmental Protection Agency regarding PCB’s shall, to the extent applicable, as appropriate, and in accordance with applicable law, be construed to be made available to such islands.

(i) College of Micronesia; education programs

(1) College of Micronesia

Notwithstanding any other provision of law, all funds which as of January 14, 1986, were appropriated for the use of the College of Micronesia System shall remain available for use by such college until expended. Until otherwise provided by Act of Congress, or until termination of the Compact, such college shall retain its status as a land-grant institution and its eligibility for all benefits and programs available to such land-grant institutions.

(2) Federal education programs

Pursuant to section 224 of the Compact and upon the request of the affected Government, any Federal program providing financial assistance for education which, as of January 1, 1985, was providing financial assistance for education to the Federated States of Micronesia or the Marshall Islands or to any institution, agency, organization, or permanent resident thereof, including the College of Micronesia System, shall continue to provide such assistance to such institutions, agencies, organizations, and residents as follows:

(A) For the fiscal year in which the Compact becomes effective, not to exceed $13,000,000;

(B) For the fiscal year beginning after the end of the fiscal year in which the Compact becomes effective, not to exceed $8,700,000; and

(C) For the fiscal year immediately following the fiscal year described in subparagraph (B), not to exceed $4,300,000.

(3) Authorization of appropriations

There are hereby authorized to be appropriated such sums as are necessary for purposes of this subsection.

(j) Trust Territory debts to U.S. Federal agencies

Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(k) Use of DOD medical facilities

Following approval of the Compact, the Secretary of Defense shall make available the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia and the Marshall Islands who are properly referred to such facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia and the Marshall Islands. The Secretary of Defense is hereby authorized to cooperate with such authorities in order to permit use of such medical facilities for persons properly referred by such authorities. The Secretary of Health and Human Services is hereby authorized and directed to continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

(l) Technical assistance

Technical assistance may be provided pursuant to section 226 of the Compact by Federal agencies and institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the Soil Conservation Service, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic

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1 So in original.
2 So in original. Probably should be “(6)”.
Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470i), shall be on a nonreimbursable basis. During the period the Compact is in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Funds provided pursuant to sections 1902(a), 1903(a), 1903(c), 1903(b), 1903(i), 1903(j), and 1903(l) of this title and subsections (c), (l), (j), (k), (l), (m), (n), and (o) of this section shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Marshall Islands pursuant to the Compact or the subsidiary agreements.

(m) Prior Service Benefits Program

Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

(n) Indefinite land use payments

There are authorized to be appropriated such sums as may be necessary to complete repayments by the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to January 1, 1985.

(o) Communicable disease control program

There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera and Hansen’s Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia in designing and implementing such a program.

(p) Trust funds

The responsibilities of the United States with regard to implementation of section 235 of the Compact shall be discharged by the Secretary of the Interior, who shall consult with the Government of the Marshall Islands and the designated beneficiaries of the funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands.

(q) Omitted

(r) User fees

Any person in the Federated States of Micronesia or the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.
Subsec. (q) of this section, which required the President to report annually to Congress on determinations made by the United States in the exercise of its authority under section 313 of the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 106-6, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See also, 14th item on page 37 of House Document No. 103-7.

Section was formerly set out as a note under section 1681 of this title.

**AMENDMENTS**


1986—Subsec. (b)(2). Pub. L. 99-396 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "Appropriations made pursuant to the Compact or any other provision of this joint resolution may be made only to the Secretary of the Interior, who shall coordinate and monitor any program or activity provided to the Federated States of Micronesia or the Republic of the Marshall Islands by departments and agencies of the Government of the United States and related economic development planning pursuant to the Compact or pursuant to any other authorization except for the provisions of sections 161(e), 313, and 331 of the Compact and the authorization of the President to agree to an effective date pursuant to this resolution. Funds appropriated to the Secretary of the Interior pursuant to this paragraph shall not be allocated to other Departments or agencies."

Subsec. (c)(2). Pub. L. 99-658 substituted “infrastructure, except that, for purposes of an orderly reduction of United States programs and services in the Federated States of Micronesia, the Marshall Islands, and Palau, United States programs or services not specifically authorized by the Compact of Free Association or by other provisions of law may continue but, unless reimbursed by the respective freely associated state, not in excess of the following amounts:” and subpars. (1) to (3) for “infrastructure.”

**TRANSFER OF FUNCTIONS**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 465(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.
§ 1907

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS


Codification

Section was formerly set out as a note under section 1681 of this title.

§ 1907. Limitations

(a) Prohibition

The provisions of Chapter 11 of title 18 shall apply in full to any individual who has served as the President’s Personal Representative for Micronesian Status Negotiations or who is or was an officer or employee of the Office for Micronesian Status Negotiations or who is or was assigned or detailed to that Office or who served on the Micronesia Interagency Group, except that for the purposes of this section, clauses (i) and (ii) of section 207(b) of such title shall read as follows: “(i) having been so employed, within three years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed and as specified in subsection (d) of this section, within three years after his employment has ceased, knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before”—.

(b) Termination

Effective upon the date of the termination of the Trust Territory of the Pacific Islands with respect to Palau, the Office for Micronesian Status Negotiations is abolished and no department, agency, or instrumentality of the United States shall thereafter contribute funds for the support of such Office.


References in Text

Section 207 of title 18, referred to in subsec. (a), was amended generally by Pub. L. 101–194, title I, §101(a), Nov. 30, 1989, 103 Stat. 1716, and, as so amended, subsec. (b) of that section no longer contains cls. (i) and (ii). For text of section 207 of Title 18, Crimes and Criminal Procedure, as it appeared prior to amendment by Pub. L. 101–194, see Effective Date of 1989 Amendment; Effect on Employment note set out under section 207 of Title 18.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

Termination of Trust Territory of the Pacific Islands

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

§ 1908. Transitional immigration rules

(a) Citizen of Northern Mariana Islands

Any person who is a citizen of the Northern Mariana Islands, as that term is defined in sec-

1 See References in Text note below.

(b) Annual audits by President

(1) The President shall cause an annual audit to be conducted of the annual financial state-

References in Text

Section 24(b) of the Act of December 8, 1983, referred to in subsec. (a), is Pub. L. 98–213, §24(b), Dec. 8, 1983, 97 Stat. 1465, which was formerly set out as a note under section 1801 of this title.

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States (Public Law 94–241) becomes effective pursuant to section 1003(c) of the Covenant.


References in Text

Section 24(b) of the Act of December 8, 1983, referred to in subsec. (a), is Pub. L. 98–213, §24(b), Dec. 8, 1983, 97 Stat. 1465, which was formerly set out as a note under section 1801 of this title.

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States, referred to in subsec. (b), is contained in section 1 of Pub. L. 94–241, as amended, set out as a note under section 1801 of this title. For November 4, 1986, as the effective date of section 301 of the Covenant, see Proc. No. 5564, Nov. 3, 1986, 51 F.R. 40399, set out as a note under section 1801 of this title.


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

§ 1909. Timing

No payment may be made pursuant to the Compact nor under any provision of this joint resolution prior to October 1, 1985.


References in Text

The Compact, referred to in text, is the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, as amended, set out as a note under section 1901 of this title.

This joint resolution, referred to in text, is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, as amended, known as the Compact of Free Association Act of 1985, which is classified principally to this part and chapter 19 (§2001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

§ 1910. Implementation of audit agreements

(a) Transmission of annual financial statement

Upon receipt of the annual financial statement described in sections 1902(c)(4) and 1903(m)(4) of this title, the President shall promptly transmit a copy of such statement to the Congress.

(b) Annual audits by President

(1) The President shall cause an annual audit to be conducted of the annual financial state-
ments described in sections 1902(c)(4) and 1903(m)(4) of this title. Such audit shall be conducted in accordance with the Generally Accepted Government Auditing Standards promulgated by the Comptroller General of the United States. Such audit shall be submitted to the Congress not later than 180 days after the end of the United States fiscal year. (2) The President shall develop and implement procedures to carry out such audits. Such procedures shall include the matters described in sections 1902(c)(2) and 1903(m)(2) of this title.

(c) Authority of GAO

The Comptroller General of the United States shall have the authority to conduct the audits referred to in sections 1902(c)(1) and 1903(m)(1) of this title.


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to the requirement that the annual audit be submitted to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 13th item on page 37 of House Document No. 103–7.

§1911. Compensatory adjustments

(a) Additional programs and services

In addition to the programs and services set forth in Section 221 of the Compact, and pursuant to Section 224 of the Compact, the services and programs of the following U.S. agencies shall be made available to the Federated States of Micronesia and the Marshall Islands: The Federal Deposit Insurance Corporation, Small Business Administration, Economic Development Administration, Job Partnership Training Act, Job Corps, and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

(b) Investment Development Funds

(1) In order to further close economic and commercial relations between the United States and the Federated States of Micronesia and the Marshall Islands, and in order to encourage the presence of the United States private sector in such areas, there are hereby created two Investment Development Funds, to be established and administered by the Federated States of Micronesia and the Marshall Islands respectively in consultation with the United States as follows:

(i) For the Investment Development Fund for the Federated States of Micronesia there is hereby authorized to be appropriated $10 million for fiscal 1986, backed by the full faith and credit of the United States, of which $6 million for the first full fiscal year after the effective date of the Compact, and of which $4 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

(ii) For the Investment Development Fund for the Marshall Islands there is hereby authorized to be appropriated $10 million for fiscal 1986, backed by the full faith and credit of the United States, of which $6 million for the first full fiscal year after the effective date of the Compact, of which $4 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

(2) The amounts specified in this subsection shall be in addition to the sums and amounts specified in Articles I and III of Title Two of the Compact, and shall be deemed to be included in the sums and amounts referred to in section 236 of the Compact.

(c) Board of Advisors

To provide policy guidance for the Funds established by subsection (b) of this section, the President is hereby authorized to establish a Board of Advisors, pursuant to appropriate agreements between the United States and the Federated States of Micronesia and the Marshall Islands.

(d) Further amounts

The governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as may be necessary, but not to exceed $40 million for the Federated States of Micronesia and $20 million for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation provided in subsections (a) and (b) of this section) for adverse impacts, if any, on the finances and economies of such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. At the end of the initial fifteen-year term of the Compact, should any portion of the total amount of funds authorized in this subsection not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in this subsection for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government’s showing of such adverse impact, if any, as provided in this subsection.


REFERENCES IN TEXT

The Compact, referred to in text, is the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, set out as a note under section 1691 of this title.

citizens and nationals of the United States and the jurisdictional provisions set forth in sub-
of Free Association and its related agreements.

§ 1912. Jurisdiction
Judges shall have the power to try persons ac-
28, provided, however that such Magistrate
Judges appointed pursuant to chapter 43, title
Marshall Islands. Such Magistrate Judges shall
magistrate judges for the defense sites in the

Secretary of the Department of Defense shall have jurisdiction to try all criminal offenses against the United States, including the laws of the State of Hawaii, that occur on defense sites in the United States, the Federated States of Micronesia, or the Marshall Islands, or the United States territorial waters, and the United States shall have the power and the status of Magistrate Judges in the territories and in the United States territories, in accordance with section 321 of Pub. L. 99–239, set out as a note under section 1901 of this title.

This joint resolution, referred to in subsec. (d), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, as amended, known as the Compact of Free Association Act of 1986, Title IV of this Act is set out as a note under section 1901 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

CODIFICATION
Section was formerly set out as a note under section 1681 of this title.

§ 1912. Jurisdiction
(a) With respect to section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States and aliens lawfully admitted to the United States for permanent residence who are in the Marshall Islands or the Federated States of Micronesia.

(b)(1) The defense sites of the United States established in the Marshall Islands or the Federated States of Micronesia in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in section 7, title 18.

(2) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State of Hawaii by the laws thereof, in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(3) The United States District Court for the District of Hawaii shall have jurisdiction to try all criminal offenses against the United States, including the laws of the State of Hawaii made applicable to the defense sites in the Marshall Islands or the Federated States of Micronesia by virtue of paragraph (2) of this subsection, committed by any person referred to in subsection (a) of this section.

(4) The United States District Court for the District of Hawaii may appoint one or more magistrate judges for the defense sites in the Marshall Islands. Such Magistrate Judges shall have the power and the status of Magistrate Judges appointed pursuant to chapter 43, title 28, provided, however that such Magistrate Judges shall have the power to try persons ac-
cused of and sentence persons convicted of petty offenses, as defined in section 1(3), title 18, including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18.


REFERENCES IN TEXT
The Compact of Free Association, referred to in subsections (a) and (b)(1), is the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, as amended, which is contained in section 201 of Pub. L. 99–239, set out as a note under section 1901 of this title.


CODIFICATION
Section was formerly set out as a note under section 1681 of this title.

Section was enacted as part of title II of Pub. L. 99–239, and not as part of title I of Pub. L. 99–239 which comprises this part.

CHANGE OF NAME
Words "magistrate judges" and "Magistrate Judges" substituted for "magistrates" and "Magistrates", respectively, wherever appearing in subsection (b)(4) pursuant to section 321 of Pub. L. 99–239, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

PART B—APPROVAL AND IMPLEMENTATION OF COMPACTS, AS AMENDED

§ 1921. Approval of U.S.-FSM Compact of Free Association and the U.S.-RMI Compact of Free Association; references to subsidiary agreements or separate agreements
(a) Federated States of Micronesia
The Compact of Free Association, as amended with respect to the Federated States of Micronesia and signed by the United States and the Government of the Federated States of Micronesia and set forth in title II (section 201(a)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-FSM Compact, including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-FSM Compact, to an effective date for and thereafter to implement such U.S.-FSM Compact.

(b) Republic of the Marshall Islands
The Compact of Free Association, as amended with respect to the Republic of the Marshall Is-

1 See References in Text note below.
lands and signed by the United States and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-RMI Compact, including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-RMI Compact, to an effective date for and thereafter to implement such U.S.-RMI Compact.

(c) References to the Compact, the U.S.-FSM Compact, and the U.S.-RMI Compact; References to subsidiary agreements or separate agreements

(1) Any reference in this joint resolution (except references in Title II) to “the Compact” shall be treated as a reference to the Compact of Free Association set forth in title II of Public Law 99-239, January 14, 1986, 99 Stat. 1770. Any reference in this joint resolution to the “U.S.-FSM Compact” shall be treated as a reference to the Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution. Any reference in this joint resolution to the “U.S.-RMI Compact” shall be treated as a reference to the Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution.

(2) Any reference to the term “subsidiary agreements” or “separate agreements” in this joint resolution shall be treated as a reference to agreements listed in section 462 of the U.S.-FSM Compact and the U.S.-RMI Compact, and any other agreements that the United States may from time to time enter into with either the Government of the Federated States of Micronesia or the Government of the Republic of the Marshall Islands, or with both such governments in accordance with the provisions of the U.S.-FSM Compact and the U.S.-RMI Compact.

(d) Amendment, change, or termination in the U.S.-FSM compact and U.S.-RMI compact and certain agreements

(1) Any amendment, change, or termination by mutual agreement or by unilateral action of the Government of the United States of all or any part of the U.S.-FSM Compact or U.S.-RMI Compact shall not enter into force until after Congress has incorporated it in an Act of Congress.

(2) The provisions of paragraph (1) shall apply:

(A) to all actions of the Government of the United States under the U.S.-FSM Compact or U.S.-RMI Compact including, but not limited to, actions taken pursuant to sections 431, 441, or 442;

(B) to any amendment, change, or termination in the Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(2) of the U.S.-FSM Compact and the Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(5) of the U.S.-RMI Compact;

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact section 177, and section 215(a) of the U.S.-FSM Compact and section 216(a) of the U.S.-RMI Compact, the terms of which are incorporated by reference into the U.S.-FSM Compact and the U.S.-RMI Compact; and

(D) to the following subsidiary agreements, or portions thereof:

(i) Articles III, IV, and X of the agreement referred to in section 462(b)(6) of the U.S.-RMI Compact.

(ii) Article III and IV of the agreement referred to in section 462(b)(6) of the U.S.-FSM Compact.

(iii) Articles VI, XV, and XVII of the agreement referred to in section 462(b)(7) of the U.S.-FSM Compact and U.S.-RMI Compact.

(e) Subsidiary agreements deemed bilateral

For purposes of implementation of the U.S.-FSM Compact and the U.S.-RMI Compact and this joint resolution, the Agreement Concluded Pursuant to Section 234 of the Compact of Free Association and referred to in section 462(a)(1) of the U.S.-FSM Compact and section 462(a)(4) of the U.S.-RMI Compact shall be deemed to be a bilateral agreement between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Republic of the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of such subsidiary agreement (or any provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

(f) Entry into force of future amendments to subsidiary agreements

No agreement between the United States and the government of either the Federated States of Micronesia or the Republic of the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth in subsection (d) of this section shall enter into force until 90 days after the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefor. In the case of the agreement referred to in section 462(b)(3) of the
U.S.-FSM Compact and the U.S.-RMI Compact, such transmittal shall include a specific statement by the Secretary of Labor as to the necessity of such amendment, change, or termination, and the impact thereof.


REFERENCES IN TEXT

The Compact of Free Association, as amended with respect to the Republic of the Marshall Islands and signed by the United States and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution, referred to in subsecs. (a) and (c)(1), is contained in section 201(a) of Pub. L. 108–188, set out below.

This joint resolution, referred to in text, is Pub. L. 108–188, Dec. 17, 2003, 117 Stat. 2720, known as the Compact of Free Association Amendments Act of 2003, which enacted this part and provisions set out as notes under this section and section 1901 of this title and amended provisions set out as notes under section 3101 of Title 5, Government Organization and Employees.

This section and amended provisions set out as a note under section 3101, Government Organization and Employees, contained several “Whereas” clauses reading as follows:

“Whereas the United States (in accordance with the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the United Nations Charter, and the objectives of the international trustship system of the United Nations) fulfilled its obligations to promote the development of the people of the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned;


“Whereas the United States, in accordance with section 251 of the Compact of Free Association entered into negotiations with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands to provide continued United States assistance and to reaffirm its commitment to this close and beneficial relationship; and

“Whereas these negotiations, in accordance with section 431 of the Compact, resulted in the ‘Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia’ [set out below], and the ‘Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands’ [set out below], which, together with their related agreements, were signed by the Government of the United States and the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands on May 14, and April 30, 2003, respectively”.

COMPACT OF FREE ASSOCIATION, AS AMENDED, BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA


‘‘PREAMBLE

‘‘THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA

‘‘Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Federated States of Micronesia have the right to enjoy self-government; and

‘‘Affirming the common interests of the United States of America and the Federated States of Micronesia in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

‘‘Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Federated States of Micronesia; and

‘‘Recognizing that their relationship until the entry into force on November 3, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 75 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Federated States of Microne-
Section 121

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wise provided in this Compact, as amended. shall do so in its own name and right, treaties and other international agreements with governments and regional and international organ-
izations.
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Section 122

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“The Government of the United States shall support applications by the Government of the Federated States of Micronesia for membership or other partic-
ipation in regional or international organizations as may be mutually agreed.
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Section 123

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“(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Federated States of Mi-
ronesia shall consult, in the conduct of its foreign af-
fairs, with the Government of the United States.
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Section 124

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“(b) In recognition of the foreign affairs capacity of the Government of the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Federated States of Micronesia on matters that the Government of the United States regards as relating to or affecting the Government of the Federated States of Micronesia.
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Section 125

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“(a) The Government of the United States recognizes
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The Government of the United States
shall provide communications assistance as mutually agreed.
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Section 131

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“(b) On May 24, 1993, the Government of the Fed-
erated States of Micronesia elected to undertake all
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functions previously performed by the Government of the United States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

Section 132

“The Government of the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

Article IV

Immigration

Section 141

“(a) In furtherance of the special and unique relationship that exists between the United States and the Federated States of Micronesia under the Compact, as amended, any person in the following categories may be admitted to, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions (the ‘United States’) without regard to paragraph (5) of (7)(B)(v)(I) of section 212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or (7)(B)(v)(II):

(1) a person who, on November 2, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Federated States of Micronesia;

(2) a person who acquires the citizenship of the Federated States of Micronesia at birth, on or after the effective date of the Constitution of the Federated States of Micronesia;

(3) an immediate relative of a person referred to in paragraphs (1) or (2) of this section, provided that such immediate relative is a naturalized citizen of the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended;

(4) a naturalized citizen of the Federated States of Micronesia who was an actual resident there for not less than five years after attaining such naturalization and who satisfies the requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the United States to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

(5) an immediate relative of a citizen of the Federated States of Micronesia, regardless of the immediate relative’s country of citizenship or period of residence in the Federated States of Micronesia, if the citizen of the Federated States of Micronesia is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended, this subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appeals proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Federated States of Micronesia, or has been or is issued a Federated States of Micronesia passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Federated States of Micronesia passport with unexpired documentation issued by the Government of the Federated States of Micronesia evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b)(1)(B) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Federated States of Micronesia will also take reasonable and appropriate steps to publicize this provision.

(e) For purposes of the Compact and the Compact, as amended:

(1) the term ‘residence’ with respect to a person means the person’s principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term ‘residence,’ including ‘residence’ and ‘reside,’ shall be similarly construed;

(2) the term ‘actual residence’ means physical presence in the Federated States of Micronesia during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

(3) the term ‘certificate of actual residence’ means a certificate issued to a naturalized citizen by the Government of the Federated States of Micronesia stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

(4) the term ‘nonimmigrant’ means an alien who is not an ‘immigrant’ as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15), and

(5) the term ‘immediate relative’ means a spouse, or unmarried son or un_married daughter less than 21 years of age.

(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States (other than a United States possession or territory where such Act does not apply) under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212a(7)(B)(v)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: ‘any alien who has been admitted to the United States, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable’;
“(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a nonimmigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

“(3) except for the treatment of certain documentation for purposes of section 274A(b)(1)(B) of such Act as provided by subsection (b) of this section of the Compact, amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(B);

“(4) section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, and actions taken pursuant to section 643; and

“(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

“(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or possession that is authorized by the laws of the United States.

“Section 142

“(a) Any citizen or national of the United States may be admitted, to lawfully engage in occupations, and reside in the Federated States of Micronesia, subject to the rights of the Government of the Federated States of Micronesia to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Federated States of Micronesia. If a citizen or national of the United States is a spouse of a citizen of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall allow the United States citizen spouse to establish residence.

“(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Federated States of Micronesia under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Federated States of Micronesia shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

“(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Federated States of Micronesia, the Government of the Federated States of Micronesia shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Federated States of Micronesia seeking employment in the United States.

“Section 143

“Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Federated States of Micronesia citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Federated States of Micronesia, as the case may be, in accordance with any other applicable laws of the United States or the Federated States of Micronesia relating to immigration of aliens from other countries. The laws of the Federated States of Micronesia or the United States, as the case may be, shall dictate the terms and conditions of such person’s stay.

“Section 151

“Relations between the Government of the United States and the Government of the Federated States of Micronesia shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition to diplomatic missions and representation, the Governments may establish and maintain offices and designate other representatives on terms and in locations as may be mutually agreed.

“Section 152

“(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Federated States of Micronesia with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Federated States of Micronesia shall be considered to be a foreign country.

“(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Federated States of Micronesia with respect to whom the Government of the Federated States of Micronesia from time to time certifies to the Government of the United States that such citizen or national is an employee of the Federated States of Micronesia whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or office of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

“Article V

“Representation

“Section 161

“The Governments of the United States and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Government of the Federated States of Micronesia agree to the following mutual and reciprocal undertakings:

“(a) The Government of the United States:

“(1) shall continue to apply the environmental controls in effect on November 2, 1986 to those of its continuing activities subject to section 161(a)(2), unless and until those controls are modified under sections 161(a)(3) and 161(a)(4);

“(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact as if such compact agreements as if the Federated States of Micronesia were the United States;

“(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under section 161(a)(2), written standards and procedures, as agreed with the Government of the Federated States of Micronesia, to implement the substantive provisions of the laws made applicable to the United States by section 161, provided that:

“(a) The laws of the United States referred to in section 161(a)(2) and the practices and procedures prescribed under section 161 shall be modified or superseded in whole or in part to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Federated States of Micronesia under Title Three.

“(b) The Government of the Federated States of Micronesia shall have the right to conduct any activities of the Government of the United States subject to the requirements of this Article, except to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Federated States of Micronesia under Title Three.

“(c) The Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

“(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

“(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article, except to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

“(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

“Section 162

“The Government of the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161 for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

“(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

“(b) Actions brought pursuant to this section may be initiated only by the Government of the Federated States of Micronesia.

“(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of review set forth in 5 U.S.C. 706.

“(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

“(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article, except to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

“(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.
"Article VII

"General Legal Provisions

"Section 171

"Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trust Territory Agreement ceased with respect to the Federated States of Micronesia on November 3, 1986, the date the Compact went into effect.

"Section 172

"(a) Every citizen of the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

"(b) The Government of the Federated States of Micronesia and every citizen of the Federated States of Micronesia shall be considered to be a 'person' within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by sections 161 and 162.

"Section 173

"The Governments of the United States and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Federated States of Micronesia pursuant to this Compact, as amended, and its related agreements and by the Government of the Federated States of Micronesia in the United States pursuant to this Compact, as amended, and its related agreements.

"Section 174

"Except as otherwise provided in this Compact, as amended, and its related agreements:

"(a) The Government of the Federated States of Micronesia, and its agencies and officials, shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States, and its agencies and officials, shall be immune from the jurisdiction of the court of the Federated States of Micronesia.

"(b) The Government of the United States accepts responsibility for and shall pay:

"(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to November 3, 1986;

"(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of November 3, 1986; and

"(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

"(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor courts, which shall have jurisdiction therefore, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be conclusive as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.


"Section 175

"(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern arbitration under the Mutual Assistance and Cooperation in Law Enforcement Agreement, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188-95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-15, shall be applicable to the transfer of prisoners under the separate agreement; and

"(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.

"Section 176

"The Government of the Federated States of Micronesia confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Federated States of Micronesia to grant relief from judgments in appropriate cases.

"Section 177

"Section 177 of the Compact entered into force with respect to the Federated States of Micronesia on November 3, 1986 as follows:

"(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 13, 1958.

"(b) The Government of the United States and the Government of the Marshall Islands shall set forth in
a separate agreement provisions for the just and ade-
quate settlement of all such claims which have arisen in
regard to the Marshall Islands and its citizens and
which have not as yet been compensated or which in
the future may arise, for the continued administra-
tion by the Government of the United States of direct
radiation related medical surveillance and treatment
programs and radiological monitoring activities and
for such additional programs and activities as may be
mutually agreed, and for the assumption by the Gov-
ernment of the Marshall Islands of responsibility for
enforcement of limitations on the utilization of af-
fected areas developed in cooperation with the Gov-
ernment of the United States and for the assistance
by the Government of the United States in the exer-
cise of such responsibility as may be mutually
agreed. This separate agreement shall come into ef-
fect simultaneously with this Compact and shall re-
maintain in effect in accordance with its own terms.

"(c) The Government of the United States shall
provide to the Government of the Marshall Islands,
on a grant basis, the amount of $150 million to be
paid and distributed in accordance with the separate
agreement referred to in this Section, and shall pro-
vide the services and programs set forth in this sepa-
rate agreement, the language of which is incor-
porated into this Compact."

"The Compact, as amended, makes no changes to,
and shall not exercise criminal jurisdiction over the Gov-
ernment of the Federated States of Micronesia that
such person was acting on behalf of the Gov-
ernment of the United States for actions taken in
furtherance of section 221 or 224 of this Compact, as
amended, any other provision of law of the United
States, an agency or instrumentality of the United
States, a trust fund, the economic advancement, budgetary self-reliance,
and economic self-sufficiency of its people, and in rec-
ognition of the special relationship that exists between
the Federated States of Micronesia and the United
States, the Government of the United States shall pro-

vide assistance on a grant basis for twenty years in the amounts set forth in section 216, commencing on the effective date of this Compact, as
amended. Such grants shall be used for assistance in
the sectors of education, health care, private sector de-
velopment, the environment, public sector capacity building,
and public infrastructure, or for other sectors
as mutually agreed, with priorities in the education
and health care sectors. For each year such sector
grant assistance is made available, the proposed di-
vision of this amount among these sectors shall be cer-
tified to the Government of the United States by the
Government of the Federated States of Micronesia and
shall be subject to the concurrence of the Government
of the United States. In such case, the Government
of the United States shall disburse the agreed upon
amounts and monitor the use of such sector grants in
accordance with the provisions of this Article and the
Agency Concerning Procedures for the Implementa-
tion of United States Economic Assistance Provided in
the Compact of Free Association, as amended,] Be-
tween the Government of the United States of America
and the Government of the Federated States of Micro-
nesia (‘Fiscal Procedures Agreement’) which shall come
into effect simultaneously with this Compact, as
amended. The provision of any United States assistance
under the Compact, as amended, the Fiscal Procedures
Agreement, the Agreement Between the Government
of the United States of America and the Government of
the Federated States of Micronesia Implementing Sec-
tion 215 and Section 216 of the Compact, as Amended,
Regarding a Trust Fund (Trust Fund Agreement), or
any other subsidiary agreement to the Compact, as
amended, shall constitute ‘a particular distribution . . .
required by the terms or special nature of the as-
sistance’ for purposes of Article XII, section 1(b) of
the Constitution of the Federated States of Micronesia.

"(1) EDUCATION.—United States grant assistance
shall be made available in accordance with the plan
described in subsection (c) of this section to support
and improve the educational system of the Federated
States of Micronesia and develop the human, finan-
cial, and material resources necessary for the Gov-
ernment of the Federated States of Micronesia to per-
form these services. Emphasis should be placed on ad-
vancing a quality basic education system.

"(2) HEALTH.—United States grant assistance
shall be made available in accordance with the plan de-
scribed in subsection (c) of this section to support
and improve the delivery of preventive, curative and
environmental care and develop the human, finan-
cial, and material resources necessary for the Gov-
ernment of the Federated States of Micronesia to per-
form these services.
“(3) Private sector development.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section, to support the efforts of the Government of the Federated States of Micronesia to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, and maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

“(4) Capacity building in the public sector.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support the efforts of the Government of the Federated States of Micronesia to build effective, accountable and transparent national, state, and local government and other public sector institutions and systems.

“(5) Environment.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to increase environmental protection; conserve and achieve sustainable use of natural resources; and engage in environmental infrastructure planning, design construction, and operation.

“(6) Public infrastructure.—

“(i) U.S. annual grant assistance shall be made available in accordance with a list of specific projects included in the plan described in subsection (c) of this section to assist the Government of the Federated States of Micronesia in its efforts to provide adequate public infrastructure.

“(ii) Infrastructure Maintenance Fund.—Five percent of the annual public infrastructure grant made available under paragraph (i) of this subsection shall be set aside, with an equal contribution from the Government of the Federated States of Micronesia, as a contribution to an Infrastructure Maintenance Fund (IMF). Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

“(b) Humanitarian assistance.—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia (‘HAFSM’). Program with emphasis on health, education, and infrastructure (including transportation), projects the terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia. The Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia, the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

“(b) Humanitarian assistance.—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia (‘HAFSM’). Program with emphasis on health, education, and infrastructure (including transportation), projects the terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia. The Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia, the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

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“(b) Humanitarian assistance.—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia (‘HAFSM’). Program with emphasis on health, education, and infrastructure (including transportation), projects the terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia. The Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia, the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

“(b) Humanitarian assistance.—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia (‘HAFSM’). Program with emphasis on health, education, and infrastructure (including transportation), projects the terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia. The Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia, the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

“(b) Humanitarian assistance.—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia (‘HAFSM’). Program with emphasis on health, education, and infrastructure (including transportation), projects the terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia. The Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia, the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

“Section 213 - Joint Economic Management Committee

“The Governments of the United States and the Federated States of Micronesia shall establish a Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia. The Joint Economic Management Committee shall meet at least once each year to review the audits and reports required under this Title, evaluate the progress made by the Federated States of Micronesia in meeting the objectives identified in its plan described in subsection (c) of section 211, with particular focus on those parts of the plan dealing with the sectors identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of United States assistance made available under this Title. The establishment and operations of the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

“Section 214 - Annual Report

“The Government of the Federated States of Micronesia shall report annually to the President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals. The Joint Economic Management Committee shall review and comment on the report and make appropriate recommendations thereon.

“Section 215 - Trust Fund

“(a) The United States shall contribute annually for twenty years from the effective date of this Compact, as amended, in the amounts set forth in section 216 into a Trust Fund established in accordance with the Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund for Assistance...
('Trust Fund Agreement'). Upon termination of the annual financial assistance under section 211, the proceeds of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

"(b) The United States contribution into the Trust Fund described in subsection (a) of this section is conditioned on the Government of the Federated States of Micronesia contributing to the Trust Fund at least $30 million, prior to September 30, 2004. Any funds received by the Federated States of Micronesia under section 111(d) of Public Law 99–229 (January 14, 1986), or successor provisions, would be contributed to the Trust Fund as a Federated States of Micronesia contribution.

"(c) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be set forth in the separate Trust Fund Agreement described in subsection (a) of this section. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or the Federated States of Micronesia. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Federated States of Micronesia. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Federated States of Micronesia and for appropriate remedies for the failure of the Federated States of Micronesia to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451 through 453 of this Compact, as amended, shall govern treatment of any U.S. contributions to the Trust Fund or accrued interest thereon. [As amended Pub. L. 110–229, title VIII, §806(b)(1)(E), May 8, 2008, 122 Stat. 872.]

"Section 216 - Sector Grant Funding and Trust Fund Contributions

"The funds described in sections 211, 212(b) and 215 shall be made available as follows:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Annual Grants Section 211</th>
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<th>Trust Fund Section 215</th>
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"Section 217 - Inflation Adjustment

"Except for the amounts provided for audits under section 212(b), the amounts stated in this Title shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

"Section 218 - Carry-Over of Unused Funds

"If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Federated States of Micronesia, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

"Article II

"Services and Program Assistance

"Section 221

"(a) SERVICES.—The Government of the United States shall make available to the Federated States of Micronesia, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in section 231, the services and related programs of:

"(1) the United States Weather Service;

"(2) the United States Postal Service;

"(3) the United States Federal Aviation Administration;

"(4) the United States Department of Transportation;

"(5) the Federal Deposit Insurance Corporation (for the benefit only of the Bank of the Federated States of Micronesia); and

"(6) the Department of Homeland Security (Federal Emergency Management Agency), and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having residuary power to provide these services and related programs shall have the authority to implement the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

"(b) PROGRAMS.—

"(1) With the exception of the services and programs covered by subsection (a) of this section, and unless the Congress of the United States provides otherwise, the Government of the United States shall make available to the Federated States of Micronesia the services and programs that were available to the Federated States of Micronesia on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 will be considered to be local revenues of the Government of the Federated States of Micronesia when used as the local share required to obtain Federal programs and services.

"(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended in accordance with the terms of the Federal Programs and Services Agreement referred to in section 231.

"(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the separate agreement referred to in amended section 231, including the authority to monitor and administer all service and program assistance provided by the United States to the Federated States of Micronesia. The Federal Programs and Services Agreement referred to in amended section 231 shall also set forth the extent to which services and programs shall be provided to the Federated States of Micronesia.

"(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Federated States of Micronesia shall be subject to all applicable criteria, standards, report-
section 222


"Section 223
"The Government of the United States and the Government of the Federated States of Micronesia may agree from time to time to extend to the Federated States of Micronesia additional United States grant assistance, services and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the Government of the United States at the time such additional grant assistance, services, or programs are extended, the Federal Programs and Services Agreement referred to in section 221 shall apply to any such assistance, services or programs. [As amended Pub. L. 110–229, title VIII, § 806(b)(1)(G), May 8, 2008, 122 Stat. 872.]

"Section 224
"The Government of the United States of Micronesia makes available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are present in the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

"Section 231
"The Government of the Federated States of Micronesia shall make available to the Government of the United States, its territories or possessions, and the United States, its territories or possessions, and equivalent consideration to the Federated States of Micronesia with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

"Article IV

"Trade

"Section 241
"The Federated States of Micronesia is not included in the customs territory of the United States.

"Section 242
"The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia which shall apply during the period of effectiveness of this title:

(a) Unless otherwise excluded, articles imported from the Federated States of Micronesia, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Federated States of Micronesia and the Republic of the Marshall Islands during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

(c) The duty-free treatment provided under subsection (a) shall not apply to—
"(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

"(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

"(3) textile and apparel articles which are subject to textile agreements; and

"(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

"(d) The cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Federated States of Micronesia, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 509(a)(2) of title V of the Trade Act of 1974.

"Section 243

"Articles imported from the Federated States of Micronesia which are not exempt from duty under subsections (a), (b), (c), and (d) of section 221 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

"Section 244

"(a) All products of the United States imported into the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties and regulations relating to importation, exportation, transportation, sale, distribution, storage or use.

"(b) The provisions of subsection (a) shall not apply to advantages accorded by the Federated States of Micronesia by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on October 30, 1986, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

"(c) Prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, the Federated States of Micronesia shall consult with the United States regarding whether or how subsection (a) of section 244 shall be applied.

"Article V

"Finance and Taxation

"Section 251

"The currency of the United States is the official circulating legal tender of the Federated States of Micronesia. Should the Government of the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

"Section 252

"The Government of the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Federated States of Micronesia deems appropriate. The determination of the source of any income, or the situs of any property, shall be for purposes of this Compact, as amended, be made according to the United States Internal Revenue Code. [As amended Pub. L. 110-162, title VIII, §806(b)(1)(1), May 6, 2008, 122 Stat. 872.]

"Section 253

"A citizen of the Federated States of Micronesia, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Federated States of Micronesia is neither a citizen nor a resident of the United States.

"Section 254

"(a) In determining any income tax imposed by the Government of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall have authority to impose tax upon income derived by a resident of the Federated States of Micronesia from sources without the Federated States of Micronesia, in the same manner and to the same extent as the Government of the Federated States of Micronesia imposes tax upon income derived from within its own jurisdiction. If the Government of the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term 'resident of the Federated States of Micronesia' shall be deemed to include any person who was physically present in the Federated States of Micronesia for a period of 183 or more days during any taxable year.

"(b) If the Government of the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

"Section 255

"For purposes of section 274(h)(3)(A) of the United States Internal Revenue Code of 1986, the term 'North American Area' shall include the Federated States of Micronesia.

"TITLE THREE

"SECURITY AND DEFENSE RELATIONS

"Article I

"Authority and Responsibility

"Section 311

"(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

"(b) This authority and responsibility includes:

"(1) the obligation to defend the Federated States of Micronesia and its people from attack or threats thereof as the United States and its citizens are defended;

"(2) the option to foreclose access to or use of the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

"(3) the option to establish and use military areas and facilities in the Federated States of Micronesia, subject to the terms of the separate agreements referred to in sections 321 and 323.

"(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

"Section 312

"Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Govern-
ment of the United States may conduct within the lands, waters and airspace of the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

"Section 313

"(a) The Government of the Federated States of Micronesia shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

"(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the two Governments, and the subsequent determination of the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

"(c) The Government of the Federated States of Micronesia shall refrain from actions that would be incompatible with the responsibilities, rights and benefits of: the Federated States of Micronesia; the Republic of the Marshall Islands; the Government of the United States; the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

"Section 314

"(a) Unless otherwise agreed, the Government of the United States shall not, in the Federated States of Micronesia:

"(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

"(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

"(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or imminent armed attack on the United States, the Federated States of Micronesia or the Republic of the Marshall Islands, the Government of the United States shall not store in the Federated States of Micronesia or the Republic of the Marshall Islands any toxic chemical weapon, nor any radioactive material nor any toxic chemical materials intended for weapons use.

"(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).

"(d) No material or substance referred to in this section shall be stored in the Federated States of Micronesia in an amount or manner which would be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

"(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

"(f) The provisions of this section shall apply in the areas in which the Government of the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

"Section 315

"The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Federated States of Micronesia.

"Section 316

"The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

"Article II

"Defense Facilities and Operating Rights

"Section 321

"(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

"(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Federated States of Micronesia in addition to those for which specific arrangements are concluded pursuant to section 321(a), it may request the Government of the Federated States of Micronesia to satisfy those requirements through leases or other arrangements. The Government of the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

"(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Federated States of Micronesia. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

"Section 322

"The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

"Section 323

"The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

"Article III

"Defense Treaties and International Security Agreements

"Section 331

"Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

"(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of November 2, 1986.

"(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Federated States of Micronesia. Such a determination by the Government of the United
States shall be preceded by appropriate consultation with the Government of the Federated States of Micronesia.

“Article IV

“Service in Armed Forces of the United States

“Section 341

“Any person entitled to the privileges set forth in section 141 (with the exception of any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia) shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United States. Any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia shall be subject to United States laws relating to selective service. [As amended Pub. L. 110–229, title VIII, § 806(b)(1)(J), May 8, 2008, 122 Stat. 872.]

“Section 342

“The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Federated States of Micronesia, as may be nominated by the Government of the Federated States of Micronesia, in each of:

“(a) The United States Coast Guard Academy pursuant to section 195 of title 14, United States Code.

“(b) The United States Merchant Marine Academy pursuant to section 1303(b)(5) of the Merchant Marine Act, 1936 (46 U.S.C. [App.] 1295c(b)(5) [see 46 U.S.C. 51304], provided that the provisions of section 1303(b)(6)(C) of that Act [now 46 U.S.C. 51304(b)(2)] shall not apply to the enrollment of students pursuant to section 1302(b) of this Compact, as amended. [As amended Pub. L. 110–229, title VIII, § 806(b)(1)(K), May 8, 2008, 122 Stat. 872.]

“Article V

“General Provisions

“Section 351

“(a) The Government of the United States and the Government of the Federated States of Micronesia shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

“(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

“(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee shall also meet promptly upon request of either of its members. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Federated States of Micronesia shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Republic of the Marshall Islands to consider matters within the jurisdiction of the two Joint Committees.

“(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

“Section 352

“In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Federated States of Micronesia under Titles One, Two and Four and to the responsibility of the Government of the Federated States of Micronesia to assure the well-being of its people.

“Section 353

“(a) The Government of the United States shall not include the Government of the Federated States of Micronesia as a named party to a formal declaration of war, without that Government’s consent.

“(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Federated States of Micronesia, which arise out of armed conflict subsequent to November 5, 1986, and which are:

“1) petitions to the Government of the United States for redress; or

“2) claims in any manner against the government, citizens, nationals or entities of any third country.

“(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.

“Section 354

“(a) The Government of the United States and the Government of the Federated States of Micronesia are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended, remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 41, or amended pursuant to Article IV of Title Four. If at any time the Government of the United States, or the Government of the Federated States of Micronesia, acting unilaterally, terminates this Title, such unilateral termination shall not be deemed to terminate the entire Compact, in which case the provisions of sections 42 and 452 (in the case of termination by the Government of the United States) or sections 443 and 453 (in the case of termination by the Government of the Federated States of Micronesia), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

“(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Federated States of Micronesia, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Federated States of Micronesia pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Federated States of Micronesia during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Federated States of Micronesia in accordance with its constitutional processes.

“(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Federated States of Micronesia further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of the Federated States of

**TITLED FOUR**

**GENERAL PROVISIONS**

**Article I**

**Approval and Effective Date**

Section 411

Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Federated States of Micronesia subsequent to completion of the following:

(a) Approval by the Government of the Federated States of Micronesia in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

**Article II**

**Conference and Dispute Resolution**

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Federated States of Micronesia and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.

Section 422

In the event the Government of the United States or the Government of the Federated States of Micronesia, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.

Section 424

Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list consisting of 10 candidates. The parties to the dispute shall jointly appoint a Chairman with the consent of the other members of the Arbitration Board. Falling agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Federated States of Micronesia.

**Article III**

**Amendment**

Section 431

The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United States and the Government of the Federated States of Micronesia, in accordance with their respective constitutional processes.

**Article IV**

**Termination**

Section 441

This Compact, as amended, may be terminated by mutual agreement of the Government of the Federated States of Micronesia and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 442

Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 443

This Compact, as amended, shall be terminated by the Government of the Federated States of Micronesia, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact, as amended, or by another process permitted by the FSM constitution and mutually agreed between the Governments of the United States and the Federated States of Micronesia. The Government of the Federated States of Micronesia shall notify the Government of the United States.
States of its intention to call such a plebiscite, or to pursue another mutually agreed and constitutional process, which plebiscite or process shall take place not earlier than three months after delivery of such notice. The plebiscite or other process shall be administered by the Government of the Federated States of Micronesia in accordance with its constitutional and legislative processes. If a majority of the valid ballots cast in the plebiscite or other process favors termination, the Government of the Federated States of Micronesia shall, upon certification of the results of the plebiscite or other process, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

“Article V
“Survivability

“Section 451
“(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia, and in accordance with the parties’ respective constitutional processes.
“(b) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended.
“(c) In view of the special relationship of the United States and the Federated States of Micronesia described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall be entitled to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement governing the distribution of such proceeds.

“Section 452
“(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect and until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:
“(1) Article VI and sections 172, 173, 176 and 177 of Title One;
“(2) Sections 232 and 234 of Title Two;
“(3) Title Three; and
“(4) Articles II, III, V and VI of Title Four.
“(b) Should termination occur pursuant to section 442 before the twentieth anniversary of the effective date of the Compact, as amended:
“(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, economic and other assistance by the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia.
“(2) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, before the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.
“(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 442 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

“Section 453
“(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:
“(1) Article VI and sections 172, 173, 176 and 177 of Title One;
“(2) Sections 232 and 234 of Title Two;
“(3) Title Three; and
“(4) Articles II, III, V and VI of Title Four.
“(b) Upon receipt of notice of termination pursuant to section 443, the Governments of the United States and the Government of the Federated States of Micronesia shall promptly consult with regard to their future relationship. Except as provided in subsection (c) and (d) of this section, these consultations shall determine the level of economic and other assistance, if any, which the Government of the United States shall provide to the Government of the Federated States of Micronesia for the period ending on the twentieth anniversary of the effective date of this Compact, as amended, and for any period thereafter, if mutually agreed.
“(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.
“(d) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

“Section 454
“Notwithstanding any other provision of this Compact, as amended:
“(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

“Article VI
“Definition of Terms

“Section 461
“For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government
of the United States or the Government of the Federated States of Micronesia as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

“(a) ‘Trust Territory of the Pacific Islands’ means the area established in the Trusteeship Agreement concerning the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.


(c) ‘The Federated States of Micronesia’ and the ‘Republic of the Marshall Islands’ are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) ‘Compact’ means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99–239 (Jan. 14, 1986) and went into effect with respect to the Federated States of Micronesia on November 3, 1986.

(e) ‘Compact, as amended’ means the Compact of Free Association Between the United States and the Federated States of Micronesia, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Federated States of Micronesia, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) ‘Government of the Federated States of Micronesia’ means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(g) ‘Government of the Republic of the Marshall Islands’ means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1998 Edition of the Radio Regulations of the International Telecommunication Union as follows:

(1) ‘Radiocommunication’ means telecommunication by means of radio waves.

(2) ‘Station’ means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

(3) ‘Broadcasting Service’ means a radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

(4) ‘Broadcasting Station’ means a station in the broadcasting service.

(5) ‘Assignment (of a radio frequency or radio frequency channel)’ means an authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

(6) ‘Telecommunication’ means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(i) ‘Military Areas and Facilities’ means those areas and facilities in the Federated States of Micronesia reserved or acquired by the Government of the Federated States of Micronesia as provided by the Government of the United States, as set forth in the separate agreements referred to in section 321.

(j) ‘Tariff Schedules of the United States’ means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the ‘Tariff Schedules of the United States Annotated’ (TSUSA), as amended.


Section 462

(a) The Government of the United States and the Government of the Federated States of Micronesia previously have concluded agreements pursuant to the Compact, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Concluded Pursuant to Section 234 of the Compact.

(2) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia for the Establishment of Financial and Economic Arrangements, Agreement Concluded Pursuant to Article III of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as amended which includes:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs;

(vi) Federal Deposit Insurance Corporation Services and Related Programs; and

(vii) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association.

(3) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as amended which includes:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs;

(vi) Federal Deposit Insurance Corporation Services and Related Programs; and

(vii) Telecommunications Services and Related Programs.

(3) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175(a) of the Compact of Free Association, as amended;

(4) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Labor Recruitment Concluded Pursuant to Section 175(b) of the Compact of Free Association, as amended;

States of America and Government of the Federated States of Micronesia;

"(5) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund;

"(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 321(b), 321 and 323 of the Compact of Free Association, as Amended; and the


"Section 463

"Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended.

"(b) Any reference in Article IV and Article VI of Title One and Sections 174, 175, 178 and 342 of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States. [As amended Pub. L. 110–229, title VIII, §806(b)(1)(N), May 8, 2008, 122 Stat. 873.]

"Article VII

"Concluding Provisions

"Section 471

"Both the Government of the United States and the Government of the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force of this Compact, as amended, the conformity of their laws, regulations and administrative procedures with the provisions of this Compact, as amended, or in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

"Section 472

"This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Federated States of Micronesia.

"IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association, as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Federated States of Micronesia inform each other about the fulfillment of their respective requirements for entry into force.

"DONE at Pohnpei, Federated States of Micronesia, in duplicate, this fourteenth (14) day of May, 2003, each text being equally authentic.

Signed (May 14, 2003)
For the Government of the
United States of America:
Ambassador Larry M. Dinger
U.S. Ambassador to the
Federated States of Micronesia

Signed (May 14, 2003)
For the Government of the
Federated States of Micronesia:

His Excellency Jesse B. Marahau
Ambassador Extraordinary and
Plenipotentiary


"PREAMBLE


"Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Republic of the Marshall Islands have the right to enjoy self-government; and

"Affirming the common interests of the United States of America and the Republic of the Marshall Islands in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

"Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Republic of the Marshall Islands; and

"Recognizing that their relationship until the entry into force on October 21, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Republic of the Marshall Islands constituted an exercise of their sovereign right to self-determination; and

"Recognizing the common desire of the people of the Republic of the Marshall Islands to maintain their close government-to-government relationship, the United States and the Republic of the Marshall Islands into the Compact by the people of the Republic of the Marshall Islands constituted an exercise of their sovereign right to self-determination; and

"Recognizing the common desire of the people of the United States and the people of the Republic of the Marshall Islands to maintain their close government-to-government relationship, the United States and the Republic of the Marshall Islands:

"NOW, THEREFORE, MUTUALLY AGREE to continue and strengthen their relationship of free association by amending the Compact, which continues to provide a full measure of self-government for the people of the Republic of the Marshall Islands; and

"FURTHER AGREE that the relationship of free association derives from and is as set forth in this Compact, as amended, by the Governments of the United
States and the Republic of the Marshall Islands; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the Republic of the Marshall Islands in regard to this relationship of free association derive from and are as set forth in this Compact, as amended.

“TITLE ONE

GOVERNMENTAL RELATIONS

“Article I

Self-Government

“Section 111

The people of the Republic of the Marshall Islands, acting through the Government established under their Constitution, are self-governing.

“Article II

Foreign Affairs

“Section 121

“(a) The Government of the Republic of the Marshall Islands has the capacity to conduct foreign affairs and shall do so in its own name and right, except as otherwise provided in this Compact, as amended.

“(b) The foreign affairs capacity of the Government of the Republic of the Marshall Islands includes:

“(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

“(2) the conduct of its commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting its individual citizens.

“(c) The Government of the United States recognizes that the Government of the Republic of the Marshall Islands has the capacity to enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

“(d) In the conduct of its foreign affairs, the Government of the Republic of the Marshall Islands confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

“Section 122

The Government of the United States shall support applications by the Government of the Republic of the Marshall Islands for membership or other participation in regional or international organizations as may be mutually agreed.

“Section 123

“(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Republic of the Marshall Islands shall consult, in the conduct of its foreign affairs, with the Government of the United States.

“(b) In recognition of the foreign affairs capacity of the Government of the Republic of the Marshall Islands, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Republic of the Marshall Islands on matters that the Government of the United States regards as relating to or affecting the Government of the Republic of the Marshall Islands.

“Section 124

The Government of the United States may assist or act on behalf of the Government of the Republic of the Marshall Islands in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Republic of the Marshall Islands undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

“Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Republic of the Marshall Islands in the area of foreign affairs, except as may from time to time be expressly agreed.

“Section 126

At the request of the Government of the Republic of the Marshall Islands and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Republic of the Marshall Islands for travel outside the Republic of the Marshall Islands, the United States and its territories and possessions.

“Section 127

Except as otherwise provided in this Compact, as amended, or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which resulted from the application pursuant to the Trustee-ship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on October 20, 1986, are, as of that date, no longer assumed and enjoyed by the Government of the United States.

“Article III

Communications

“Section 131

“(a) The Government of the Republic of the Marshall Islands has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communications assistance as mutually agreed.

“(b) The Government of the Republic of the Marshall Islands has elected to undertake all functions previously performed by the Government of the United States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

“Section 132

The Government of the Republic of the Marshall Islands shall permit the Government of the United States to operate telecommunication services in the Republic of the Marshall Islands to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

“Article IV

Immigration

“Section 141

“(a) In furtherance of the special and unique relationship that exists between the United States and the Republic of the Marshall Islands, under the Compact, as amended, any person in the following categories may be admitted to lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions (the ‘United States’), except for paragraphs (5) or (7) of Title 8 or 19 U.S.C. 1212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or 19 U.S.C. 1212(a), respectively:

“(1) a person who, on October 21, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title One of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Republic of the Marshall Islands;
"(2) A person who acquires the citizenship of the Republic of the Marshall Islands at birth, or on or after the effective date of the Constitution of the Republic of the Marshall Islands;

"(3) An immediate relative of a person referred to in paragraphs (1) or (2) of this section, provided that such immediate relative is a naturalized citizen of the Republic of the Marshall Islands who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirements of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended;

"(4) A naturalized citizen of the Republic of the Marshall Islands who was an actual resident there for not less than five years after attaining such naturalization and who satisfied these requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the Republic of the Marshall Islands to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

"(5) An immediate relative of a citizen of the Republic of the Marshall Islands, regardless of the immediate relative's country of citizenship or period of residence in the Republic of the Marshall Islands, if the citizen of the Republic of the Marshall Islands is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

"(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended. This subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appellate proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

"(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Republic of the Marshall Islands, or has been or is issued a Republic of the Marshall Islands passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

"(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Republic of the Marshall Islands passport with unexpired documentation issued by the Government of the Republic of the Marshall Islands evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Republic of the Marshall Islands will also take reasonable and appropriate steps to publicize this provision.

"(e) For purposes of the Compact and the Compact, as amended, "(1) the term 'residence' with respect to a person means the person's principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term 'residence,' including 'resident' and 'reside,' shall be similarly construed;

"(2) the term 'actual residence' means physical presence in the Republic of the Marshall Islands during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

"(3) the term 'certificate of actual residence' means a certificate issued to a naturalized citizen by the Government of the Republic of the Marshall Islands stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

"(4) the term 'nonimmigrant' means an alien who is not an 'immigrant' as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15); and

"(5) the term 'immediate relative' means a spouse, or unmarried son or unmarried daughter less than 21 years of age.

"(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States other than a United States possession or territory where such Act does not apply under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

"(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212(a)(7)(B)(i)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: 'any alien who has been admitted under the Compact, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable;'

"(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a nonimmigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

"(3) except for the treatment of certain documentation purposes of section 274A(b)(1)(B) of such Act as provided by subsection (a) of this section, the Compact, as amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(E);

"(4) section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, and actions taken pursuant to section 643; and

"(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

"(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or possession that is authorized by the laws of the United States.

"(h) Subsection (a) of this section does not confer on a citizen of the Republic of the Marshall Islands the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, as amended, or to petition for benefits for alien relatives under that Act. Subsection (a) of this section,
however, shall not prevent a citizen of the Republic of the Marshall Islands from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

"Section 142

"(a) Any citizen or national of the United States may be admitted to lawfully engage in occupations, and reside in the Republic of the Marshall Islands, subject to the rights of the Government of the Republic of the Marshall Islands to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Republic of the Marshall Islands. If a citizen or national of the United States is a spouse of a citizen of the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to establish residence. Should the Republic of the Marshall Islands citizen spouse predecease the United States citizen spouse during the marriage, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to continue to reside in the Republic of the Marshall Islands.

"(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Republic of the Marshall Islands under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Republic of the Marshall Islands shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

"(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Republic of the Marshall Islands seeking employment in the United States.

"Section 143

"Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Republic of the Marshall Island citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Republic of the Marshall Islands, in the case may be, in accordance with any other applicable laws of the United States or the Republic of the Marshall Islands relating to immigration of aliens from other countries. The laws of the Republic of the Marshall Islands or the United States, as the case may be, shall dictate the terms and conditions of any such person's stay.

"Article V

"Representation

"Section 151

"Relations between the Government of the United States and the Government of the Republic of the Marshall Islands shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition to diplomatic missions and representation, the Governments may establish and maintain other offices and designate other representatives on terms and in locations as may be mutually agreed.

"Section 152

"(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Republic of the Marshall Islands with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements.

For purposes of the Foreign Agents Registration Act of 1938, the Republic of the Marshall Islands shall be considered to be a foreign country.

"(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Republic of the Marshall Islands with respect to whom the Government of the Republic of the Marshall Islands from time to time certifies to the Government of the United States that such citizen or national is an employee of the Republic of the Marshall Islands whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the Government of the Republic of the Marshall Islands responsible for the certification shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

"Article VI

"Environmental Protection

"Section 161

"The Governments of the United States and the Republic of the Marshall Islands agree to the following mutual and reciprocal undertakings:

"(a) The Government of the United States:

"(1) shall, for its activities controlled by the U.S. Army at Kwajalein Atoll and in the Mid-Atoll Corridor and for U.S. Army Kwajalein Atoll activities in the Republic of the Marshall Islands, cooperate to apply the Environmental Standards and Procedures for United States Army Kwajalein Atoll Activities in the Republic of the Marshall Islands, unless and until those Standards and Procedures are modified by mutual agreement of the Governments of the United States and the Republic of the Marshall Islands;

"(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact, as amended, and its related agreements as if the Republic of the Marshall Islands were the United States;

"(3) in the conduct of any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), shall comply with standards substantively similar to those required by the following laws of the United States, taking into account the particular environment of the Republic of the Marshall Islands;


"(4) shall, prior to conducting any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), develop, as agreed with the Government of the Republic of the Marshall Islands,
written environmental standards and procedures to implement the substantive provisions of the laws made applicable to U.S. Government activities in the Republic of the Marshall Islands, pursuant to section 161(a)(3).

(b) The Government of the Republic of the Marshall Islands shall continue to develop and implement standards and procedures to protect the natural environment, taking into account the particular environment, shall continue to develop and implement standards for environmental protection substantively similar to those required of the Government of the United States by section 161(a)(3) prior to its conducting activities in the Republic of the Marshall Islands, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Republic of the Marshall Islands.

(d) In the extent that an Environmental Impact Statement is no longer required under the laws of the United States for major Federal actions significantly affecting the quality of the human environment, the regulatory regime established under sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact, as amended, and its related agreements from any environmental standard or procedure which may be applicable under sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact, as amended, and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of the Republic of the Marshall Islands shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of the Republic of the Marshall Islands.

(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Section 162

The Government of the Republic of the Marshall Islands may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161(a) for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

(b) Actions brought pursuant to this section may be initiated only by the Government of the Republic of the Marshall Islands.

(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(f) In actions pursuant to this section, the Government of the Republic of the Marshall Islands shall be treated as if it were a United States citizen.

Section 183

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Government of the Republic of the Marshall Islands shall be granted access to facilities operated by the Government of the United States in the Republic of the Marshall Islands, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Republic of the Marshall Islands for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the extent similar access is provided the Government of the Republic of the Marshall Islands under the Freedom of Information Act, 5 U.S.C. 552.

(c) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceased with respect to the Marshall Islands on October 21, 1986, the date the Compact went into effect.

Section 172

(a) Every citizen of the Republic of the Marshall Islands who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Government of the Republic of the Marshall Islands and every citizen of the Republic of the Marshall Islands shall be considered to be a ‘person’ within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Republic of the Marshall Islands may seek judicial review under the Ad-
ministerial Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the actividades of the Government of the United States governed by sections 161 and 162.

“Section 173

“The Governments of the United States and the Republic of the Marshall Islands agree to adopt and enforce, as measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Republic of the Marshall Islands pursuant to this Compact, as amended, and its related agreements and by the Government of the Republic of the Marshall Islands in the United States pursuant to this Compact, Compact, as amended, and its related agreements.

“Section 174

“Except as otherwise provided in this Compact, as amended, and its related agreements:


“(b) The Government of the United States accepts responsibility for and shall pay:

“(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to October 21, 1986;

“(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of October 21, 1986; and

“(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

“(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d).

“Section 175

“(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 1101–12, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 1400–15, shall be applicable to the transfer of prisoners under the separate agreement; and

“(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern agreements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforce for violations of such requirements.

“Section 176

“The Government of the Republic of the Marshall Islands confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect to the constitutional power of the courts of the Republic of the Marshall Islands to grant relief from judgments in appropriate cases.

“Section 177

“Section 177 of the Compact entered into force with respect to the Marshall Islands on October 21, 1986 as follows:

“(a) The Government of the United States accepts responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 13, 1958.

“(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

“(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, all funds, except funds paid and distributed in accordance with the separate agreement referred to in this Section, and shall pro-
vide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.

The Compact, as amended, makes no changes to, and has no effect upon, Section 177 of the Compact, nor does the Compact, as amended, change or affect the separate agreement referred to in Section 177 of the Compact, including Articles IX and X of that separate agreement, and measures taken by the parties thereunder. [As amended Pub. L. 110–229, title VIII, § 806(b)(2)(B), May 8, 2008, 122 Stat. 873.]

"Section 178

(a) The Federal agencies of the Government of the United States that provide services and related programs in the Republic of the Marshall Islands pursuant to Title Two are authorized to settle and pay tort claims arising in the Republic of the Marshall Islands from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided under this section, neither the Government of the United States, the Government of the Republic of the Marshall Islands, nor any person acting on behalf of the Government of the United States, the Government of the Republic of the Marshall Islands, or any person acting on behalf of the Government of the Republic of the Marshall Islands, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient's agency or any other person or entity acting on behalf of the recipient.

(b) Claims under section 178(a) that cannot be settled under section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 21 U.S.C. 1309.

The Government of the United States and the Government of the Republic of the Marshall Islands shall, in the separate agreement referred to in section 231, provide for:

(1) the administrative settlement of claims referred to in section 178(a), including designation of local agents in each State of the Republic of the Marshall Islands; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to section 178(a).

The provisions of section 174(d) shall not apply to claims covered by this section.

(c) Except as otherwise explicitly provided by law of the United States, this Compact, as amended, or its related agreements, neither the Government of the United States, its instrumentalities, nor any person acting on behalf of the Government of the United States, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient or any grant or other assistance provided by the Government of the United States (or the activity or activities of the recipient's agency or any other person or entity acting on behalf of the recipient).

Section 179

(a) The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over the Government of the United States, or its instrumentalities. The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over any person if the Government of the United States provides notification to the Government of the Republic of the Marshall Islands that such person was acting on behalf of the Government of the United States, for actions taken in furtherance of section 221 or 224 of this Compact, as amended, or any other provision of law authorizing financial, program, or service assistance to the Republic of the Marshall Islands. [As amended Pub. L. 110–229, title VIII, § 806(b)(2)(C), May 8, 2008, 122 Stat. 873.]

'TITLE TWO

'ECONOMIC RELATIONS

'Article I

'Grant Assistance

'Section 211 - Annual Grant Assistance

(a) In order to assist the Government of the Republic of the Marshall Islands in its efforts to promote the economic advancement and budgetary self-reliance of its people, and in recognition of the special relationship that exists between the Republic of the Marshall Islands and the United States, the United States shall provide assistance on a grant basis for a period of twenty years in the amounts set forth in section 217, commencing on the effective date of this Compact, as amended. Such grants shall be used to assist in education, health care, the environment, public sector capacity building, and private sector development, or for other areas as mutually agreed, with priorities in the education and health care sectors. Consistent with the medium-term budget and investment framework described in subsection (f) of this section, the proposed division of this amount among the identified areas shall require the concurrence of both the Government of the United States and the Government of the Republic of the Marshall Islands, through the Joint Economic Management and Financial Accountability Committee described in section 214. The Government of the United States shall disburse the grant assistance and monitor the use of such grant assistance in accordance with the provisions of this Article and an Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact of Free Association, as amended, between the Government of the Republic of the Marshall Islands and the United States, the Government of the Republic of the Marshall Islands ("Fiscal Procedures Agreement") which shall come into effect simultaneously with this Compact, as amended.

(1) EDUCATION.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the educational system of the Republic of the Marshall Islands and to develop the human, financial, and material resources necessary for the Republic of the Marshall Islands to perform these services. Emphasis should be placed on advancing a quality basic education system.

(2) HEALTH.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the delivery of preventive, curative and environmental care and develop the human, financial, and material resources necessary for the Republic of the Marshall Islands to perform these services.

(3) PRIVATE SECTOR DEVELOPMENT.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

(4) CAPACITY BUILDING IN THE PUBLIC SECTOR.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to build effective, accountable and transparent national and local government and other public sector institutions and systems.

(5) ENVIRONMENT.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to increase environmental protection; establish and manage conservation areas; engage in environmental infrastructure planning, design construction and operation; and to involve the citizens of the Republic of the Marshall Islands in the process of conserving their country's natural resources.

(1) KWALALEN ATOLL.—

(1) Of the total grant assistance made available under subsection (a) of this section, the amount spec-
ified herein shall be allocated annually from fiscal year 2004 through fiscal year 2023 (and thereafter in accordance with the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended, which shall come into effect simultaneously with the amendments to this Compact.

(2) INFRASTRUCTURE MAINTENANCE FUND.—Five percent of the annual public infrastructure grant made available under paragraph (1) of this subsection shall be set aside, with an equal contribution from the Government of the Republic of the Marshall Islands, as a contribution to an Infrastructure Maintenance Fund. Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

(3) Of the total grant assistance made available under subsection (a) of this section, an amount of two hundred thousand dollars ($200,000) shall be provided annually, with an equal contribution from the Government of the United States, to the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) for a grant to support implementation of the Government of the Republic of the Marshall Islands Environmental Protection Authority in the annual U.S. Army Kwajelein Atoll Environmental Standards Survey and to promote a greater Government of the Republic of the Marshall Islands capacity for independent analysis of the Survey’s findings and conclusions.

(4) HUMANITARIAN ASSISTANCE—REPUBLIC OF THE MARSHALL ISLANDS PROGRAM.—In recognition of the special development needs of the Republic of the Marshall Islands, the Government of the United States shall make available to the Government of the Republic of the Marshall Islands, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance—Republic of the Marshall Islands (‘HARMI’) Program, with emphasis on health, education, and infrastructure (including transportation), projects and such other projects as mutually agreed. The terms and conditions of the HARMI shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended, which shall come into effect simultaneously with the amendments to this Compact.
(a) Regulations and policies normally applicable to United States financial assistance to its state and local governments, as set forth in the Fiscal Procedures Agreement, shall apply to each grant described in section 211, and to grants administered under section 211 below, except as modified in the separate agreements referred to in section 231 of this Compact, as amended, or by U.S. law. As set forth in the Fiscal Procedures Agreement, reasonable terms and conditions, including annual performance indicators that are necessary to ensure effective use of United States assistance and reasonable progress toward achieving program objectives may be attached. In addition, the United States may seek appropriate remedies for noncompliance with the terms and conditions attached to the assistance, or for failure to comply with section 231, including withholding assistance.

(b) The Government of the United States shall, for each fiscal year of the twenty years during which assistance is to be provided on a sector grant basis under section 211, grant the Government of the Republic of the Marshall Islands an amount equal to the lesser of (i) one half of the reasonable, properly documented cost incurred during such fiscal year to conduct the annual audit required under Article VIII (2) of the Fiscal Procedures Agreement or (ii) $500,000. Such amount will not be adjusted for inflation under section 218 or otherwise.

The Governments of the United States and the Republic of the Marshall Islands shall establish a Joint Economic Management and Financial Accountability Committee. The Joint Economic Management and Financial Accountability Committee shall meet at least once each year to review the audits and reports required under this Title and the Fiscal Procedures Agreement, evaluate the progress made by the Republic of the Marshall Islands in meeting the objectives identified in its framework described in subsection (f) of section 211, with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of U.S. assistance made available under this Title. The establishment and operations of the Joint Economic Management and Financial Accountability Committee shall be governed by the Fiscal Procedures Agreement.

The Government of the Republic of the Marshall Islands shall report annually to the President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals. The Joint Economic Management and Financial Accountability Committee shall review and comment on the report and make appropriate recommendations based thereon.

(a) The United States shall contribute annually for twenty years from the effective date of the Compact, as amended, in the amounts set forth in section 217 into a trust fund established in accordance with the Agreement Between the Governments of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund ("Trust Fund Agreement"), which shall come into effect simultaneously with this Compact, as amended. Upon termination of the annual grant assistance under section 211 (a), (d) and (e), the earnings of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

(b) The United States contribution into the Trust Fund described in subsection (a) of this section is conditioned on the Government of the Republic of the Marshall Islands contributing to the Trust Fund at least $25,000,000, on the effective date of the Trust Fund Agreement or on October 1, 2003, whichever is later, $25,000,000 prior to October 1, 2004, and $2,500,000 prior to October 1, 2005. Any funds received by the Republic of the Marshall Islands under section 111(d) of Public Law 99-239 (January 14, 1986), or successor provisions, would be contributed to the Trust Fund as a Republic of the Marshall Islands' contribution.

(3) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be governed by the Trust Fund Agreement. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or any taxes in the Republic of the Marshall Islands. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Republic of the Marshall Islands. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Republic of the Marshall Islands and for appropriate remedies for the failure of the Republic of the Marshall Islands to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451–453 of the Compact, as amended, and the Trust Fund Agreement shall govern treatment of any U.S. contributions to the Trust Fund or accrued income thereon.

The funds described in sections 211, 212, 213(b), and 216 shall be made available as follows:

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‘Section 213 - Inflation Adjustment

Except as otherwise provided, the amounts stated in this Section shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

‘Section 219 - Carry-Over of Unused Funds

‘If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Republic of the Marshall Islands, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

‘Article II

‘Services and Program Assistance

‘Section 221

(a) SERVICES.—The Government of the United States shall make available to the Republic of the Marshall Islands, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in section 231, the services and related programs of:

(1) the United States Weather Service;

(2) the United States Postal Service;

(3) the United States Federal Aviation Administration;

(4) the United States Department of Transportation; and

(5) the Department of Homeland Security (Federal Emergency Management Agency), and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having responsibility to provide these services and related programs shall have the authority to implement the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

(b) PROGRAMS.—(1) Other than the services and programs covered by subsection (a) of this section, and to the extent authorized by the Congress of the United States, the Government of the United States shall make available to the Republic of the Marshall Islands the services and programs that were available to the Republic of the Marshall Islands on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 shall be considered to be local revenues of the Government of the Republic of the Marshall Islands when used as the local share required to obtain Federal programs and services.

(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended in accordance with the terms of the Federal Programs and Services Agreement.

(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the Federal Programs and Services Agreement, including the authority to monitor and administer all service and program assistance provided by the United States to the Republic of the Marshall Islands. The Federal Programs and Services Agreement shall also set forth the extent to which services and programs shall be provided to the Republic of the Marshall Islands.

(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Republic of the Marshall Islands shall be subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs and services when operating in the United States.


‘Section 222

‘The Government of the United States and the Government of the Republic of the Marshall Islands may agree from time to time to extend to the Republic of the Marshall Islands additional United States grant assistance, services, and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the laws of the United States.

The Federal Programs and Services Agreement shall apply to any such assistance, services or programs.

‘Section 223

‘The Government of the Republic of the Marshall Islands shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Republic of the Marshall Islands at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

‘Section 224

‘The Government of the Republic of the Marshall Islands may request, from the time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws. If technical assistance is granted pursuant to such a request, the Government of the United States shall provide the technical assistance in a manner which gives priority consideration to the Republic of the Marshall Islands over other recipients not a part of the United States, its territories or possessions, and equivalent consideration to the Republic of the Marshall Islands with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

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<th>Fiscal year</th>
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“Article III

“Administrative Provisions

“Section 231

“The specific nature, extent and contractual arrangements of the services and programs provided for in section 221 of this Compact, as amended, as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Republic of the Marshall Islands, and other arrangements in connection with the assistance, services, or programs furnished by the Government of the United States, are set forth in a Federal Programs and Services Agreement which shall come into effect simultaneously with this Compact, as amended.

“Section 232

“The Government of the United States, in consultation with the Government of the Republic of the Marshall Islands, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Further, in accordance with the Fiscal Procedures Agreement described in subsection (a) of section 211, the Comptroller General of the United States shall have such powers and authorities as described in section 103(k) of Public Law 108-188, 117 Stat. 2734, December 17, 2003. (As amended Pub. L. 110-229, title VIII, § 806(b)(2)(F), May 8, 2008, 122 Stat. 873.)

“Section 233

“A Approval of this Compact, as amended, by the Government of the United States, in accordance with its constitutional processes, shall constitute a pledge by the United States that the sums and amounts specified as grants in section 211 of this Compact, as amended, shall be appropriated and paid to the Republic of the Marshall Islands for such period as those provisions of this Compact, as amended, remain in force, provided that the Republic of the Marshall Islands complies with the terms and conditions of this Title and related subsidiary agreements.

“Section 234

“The Government of the Republic of the Marshall Islands pledges to cooperate with, permit, and assist if reasonably requested, designated and authorized representatives of the Government of the United States charged with investigating whether Compact funds, or any other assistance authorized under this Compact, as amended, have, or are being, used for purposes other than those set forth in this Compact, as amended, or its subsidiary agreements. In carrying out this investigative authority, such United States Government representatives may request that the Government of the Republic of the Marshall Islands subpoena documents and records and compel testimony in accordance with the laws and Constitution of the Republic of the Marshall Islands. Such assistance by the Government of the Republic of the Marshall Islands to the Government of the United States shall not be unreasonably withheld. The obligation of the Government of the Marshall Islands to fulfill its pledge herein is a condition to its agreement to advantages accorded by the Republic of the Marshall Islands by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

“Section 241

“The Republic of the Marshall Islands is not included in the customs territory of the United States.

“Section 242

“The President shall proclaim the following tariff treatment for articles imported from the Republic of the Marshall Islands which shall apply during the period of effectiveness of this title:

“(a) Unless otherwise excluded, articles imported from the Republic of the Marshall Islands, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

“(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Republic of the Marshall Islands and the Federated States of Micronesia during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

“(c) The duty-free treatment provided under subsection (a) shall not apply to:

“(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

“(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

“(3) textile and apparel articles which are subject to textile agreements; and

“(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

“(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Republic of the Marshall Islands, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(a)(2) of title V of the Trade Act of 1974.

“Section 243

“Articles imported from the Republic of the Marshall Islands which are not exempt from duty under subsections (a), (b), (c), and (d) of section 221 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

“Section 244

“(a) All products of the United States imported into the Republic of the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature; and with respect to laws and regulations relating to importing, exportation, taxation, sale, distribution, storage or use.

“(b) The provisions of subsection (a) shall not apply to advantages accorded by the Republic of the Marshall Islands by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on August 18, 2001, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

“Article V

“Trade

“Section 251

“The currency of the United States is the official circulating legal tender of the Republic of the Marshall Is-
lands. Should the Government of the Republic of the Marshall Islands act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

"Section 252
"The Government of the Republic of the Marshall Islands may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Republic of the Marshall Islands deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact, as amended, be made according to the United States Internal Revenue Code.

"Section 253
"A citizen of the Republic of the Marshall Islands, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Republic of the Marshall Islands is neither a citizen nor a resident of the United States.

"Section 254
"(a) In determining any income tax imposed by the Government of the Republic of the Marshall Islands, the Government of the United States shall have authority to impose tax upon income derived by a resident of the Republic of the Marshall Islands from sources without the Republic of the Marshall Islands, in the same manner and to the same extent as the Government of the Republic of the Marshall Islands imposes tax upon income derived from within its own jurisdiction. If the Government of the Republic of the Marshall Islands exercises such authority as provided in this subsection, any individual resident of the Republic of the Marshall Islands who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Republic of the Marshall Islands shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term ‘resident of the Republic of the Marshall Islands’ shall be deemed to include any person who was physically present in the Republic of the Marshall Islands for a period of 183 or more days during any taxable year.

"(b) If the Government of the Republic of the Marshall Islands subjects income to taxation substantially similar to that which was imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

"Section 255
"For purposes of section 274(b)(3)(A) of the U.S. Internal Revenue Code of 1986, the term ‘North American Area’ shall include the Republic of the Marshall Islands.

"TITLE THREE
"SECURITY AND DEFENSE RELATIONS

"Article I
"Authority and Responsibility

"Section 311
"(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

"(b) This authority and responsibility includes:

"(1) the obligation to defend the Republic of the Marshall Islands and its people from attack or threats of attack by a foreign power; and

"(2) the option to foreclose access to or use of the Republic of the Marshall Islands by military personnel or for the military purposes of any third country; and

"(3) the option to establish and use military areas and facilities in the Republic of the Marshall Islands, subject to the terms of the separate agreements referred to in sections 321 and 323.

"(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

"Section 312
"Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Republic of the Marshall Islands the activities and operations necessary for the exercise of its authority and responsibility under this Title.

"Section 313
"(a) The Government of the Republic of the Marshall Islands shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

"(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

"(c) The Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

"Section 314
"(a) Unless otherwise agreed, the Government of the United States shall not, in the Republic of the Marshall Islands:

"(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

"(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner that would be hazardous to public health or safety.

"(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Republic of the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Republic of the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

"(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).
what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

"(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

"(f) The provisions of this subsection shall apply in the areas in which the Government of the Republic of the Marshall Islands exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

"Section 315

"The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Republic of the Marshall Islands, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Republic of the Marshall Islands.

"Section 316

"The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

"Article II

"Defense Facilities and Operating Rights

"Section 321

"(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

"(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Republic of the Marshall Islands in addition to those for which special arrangements are concluded pursuant to section 321(a), it may request the Government of the Republic of the Marshall Islands to satisfy those requirements through leases or other arrangements. The Government of the Marshall Islands shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

"(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Republic of the Marshall Islands. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

"Section 322

"The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Republic of the Marshall Islands at least to the extent necessary for the exercise of its authority and responsibility under this Title.

"Section 323

"The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

"Article III

"Defense Treaties and International Security Agreements

"Section 331

"Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Republic of the Marshall Islands, all obligations, responsibilities, rights and benefits of:

"(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of October 20, 1986.

"(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Republic of the Marshall Islands. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Republic of the Marshall Islands.

"Article IV

"Service in Armed Forces of the United States

"Section 341

"Any person entitled to the privileges set forth in section 141 with the exception of any person described in section 141(b)(5) who is not a citizen of the Republic of the Marshall Islands shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United States. Any person described in section 141(a)(5) who is not a citizen of the Republic of the Marshall Islands shall be subject to United States laws relating to selective service. [As amended Pub. L. 110–229, title VIII, §906(b)(2)(G), May 8, 2008, 122 Stat. 874.]

"Section 342

"The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Republic of the Marshall Islands, as may be nominated by the Government of the Republic of the Marshall Islands, in each of:

"(a) The United States Coast Guard Academy pursuant to section 195 of title 14, United States Code.

"(b) The United States Merchant Marine Academy pursuant to section 1303(b)(6) of the Merchant Marine Act, 1936 [(former) 46 U.S.C. (App.) 1295(b)(b)] [see 46 U.S.C. 51304], provided that the provisions of section 1303(b)(6)(C) of that Act [now 46 U.S.C. 51304(b)(2)] shall not apply to the enrollment of students pursuant to section 342(b) of this Compact, as amended. [As amended Pub. L. 110–229, title VIII, §806(b)(2)(H), May 8, 2008, 122 Stat. 874.]

"Article V

"General Provisions

"Section 351

"(a) The Government of the United States and the Government of the Republic of the Marshall Islands shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

"(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander
in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Government of the Marshall Islands shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of Micronesia. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Republic of the Marshall Islands shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Government of the Marshall Islands in accordance with its constitutional processes.

(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally or otherwise, regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

"In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Republic of the Marshall Islands under Titles One, Two and Four and to the responsibility of the Government of the Republic of the Marshall Islands to assure the well-being of its people."

Section 353

"(a) The Government of the United States shall not include the Government of the Republic of the Marshall Islands as a named party to a formal declaration of war, without that Government’s consent.

(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Republic of the Marshall Islands, which arise out of armed conflict subsequent to October 21, 1986, and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

"(a) The Government of the United States and the Government of the Republic of the Marshall Islands are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended, remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 441, or amended pursuant to Article III of Title Four. If at any time the Government of the United States, or the Government of the Republic of the Marshall Islands, acting unilaterally, terminates this Title, such unilateral termination shall be considered to be termination of the entire Compact, as amended, in which case the provisions of sections 442 and 452 (in the case of termination by the Government of the United States) or sections 453 and 452 (in the case of termination by the Government of the Marshall Islands), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Republic of the Marshall Islands, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Marshall Islands pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Republic of the Marshall Islands during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Republic of the Marshall Islands in accordance with its constitutional processes.

(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Republic of the Marshall Islands further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of the Republic of the Marshall Islands shall refrain from actions which the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands or the Federated States of Micronesia. [As amended Pub. L. 110–229, title VIII, §806(b)(2)(I), May 8, 2008, 122 Stat. 874.]

TITLE FOUR

"GENERAL PROVISIONS"

"Article I"

"Approval and Effective Date"

Section 411

"Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Republic of the Marshall Islands subsequent to completion of the following:

(a) Approval by the Government of the Republic of the Marshall Islands in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

"Article II"

"Conference and Dispute Resolution"

Section 421

"The Government of the United States shall confer promptly at the request of the Government of the Republic of the Marshall Islands and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.

Section 422

"In the event the Government of the United States or the Government of the Republic of the Marshall Islands, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

"If a dispute between the Government of the United States and the Government of the Republic of the Marshall Islands cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.
"Section 424

"Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

"(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments that is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure."

"(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

"(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote."

"(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

"(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Republic of the Marshall Islands."

"Article III

"Amendment"

"Section 431

"The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United States and the Government of the Republic of the Marshall Islands, in accordance with their respective constitutional processes."

"Article IV

"Termination"

"Section 441

"This Compact, as amended, may be terminated by mutual agreement of the Government of the Republic of the Marshall Islands and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein."

"Section 442

"Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months after delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein."

"Section 443

"This Compact, as amended, shall be terminated by the Government of the Republic of the Marshall Islands, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact, as amended. [sic] The Government of the Republic of the Marshall Islands shall notify the Government of the United States of its intention to call such a plebiscite, which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by the Government of the Republic of the Marshall Islands in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, the Government of the Republic of the Marshall Islands shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

"Article V

"Survivability"

"Section 451

"(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Republic of the Marshall Islands, and in accordance with the countries' respective constitutional processes.

"(b) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended.

"(c) In view of the special relationship of the United States and the Republic of the Marshall Islands described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall be entitled to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement."

"Section 452

"(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this amended Compact shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

"(1) Article VI and sections 172, 173, 176 and 177 of Title One;

"(2) Article One and sections 232 and 234 of Title Two;
of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter in the manner described in those provisions and the Trust Fund Agreement.

Section 453

(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States and the Republic of the Marshall Islands shall continue in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to section 443, the Government of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, shall continue in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall continue to be eligible to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 454

Notwithstanding any other provision of this Compact, as amended:


(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government of the United States or the Government of the Republic of the Marshall Islands as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

(a) ’Trust Territory of the Pacific Islands’ means the area established in the Trusteehip Agreement consisting of the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.


(c) ’The Republic of the Marshall Islands’ and ’the Federated States of Micronesia’ are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) ’Compact’ means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99-239 (Jan. 14, 1986) and went into effect with respect to the Republic of the Marshall Islands on October 21, 1986.

(e) ’Compact, as amended’ means the Compact of Free Association Between the United States and the Republic of the Marshall Islands, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Republic of the Marshall Islands, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) ’Government of the Republic of the Marshall Islands’ means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(g) ’Government of the Federated States of Micronesia’ means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1998 Edition of the Radio Regulations of the International Telecommunication Union as follows:

(1) ‘Radiocommunication’ means telecommunication by means of radio waves.

(2) ’Station’ means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.
‘Broadcasting Service’ means a radiocommunication service in which the transmissions, television transmissions or other electromagnetic systems.

Military Areas and Facilities’ means those areas and facilities in the Republic of the Marshall Islands reserved or acquired by the Government of the Marshall Islands for use by the Government of the United States, as set forth in the separate agreements referred to in section 321.

‘Tariff Schedules of the United States’ means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.


Section 462

(a) The Government of the United States and the Government of the Republic of the Marshall Islands previously have concluded agreements, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

(2) Agreement Between the Government of the United States and the Government of the Marshall Islands by Persons Displaced as a Result of the United States Nuclear Testing Program in the Marshall Islands;

(3) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding the Resettlement of Enjebi Island;

(4) Agreement Concluded Pursuant to Section 234 of the Compact of Free Association; and


(b) The Government of the United States and the Government of the Republic of the Marshall Islands shall conclude prior to the date of submission of this Compact to the legislatures of the two countries, the following related agreements which shall come into effect on the effective date of this Compact, as amended, and shall survive in accordance with their terms, as follows:

(1) Federal Programs and Services Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 220), and Section 231 of the Compact of Free Association, as Amended, which include:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs; and

(vi) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands on Labor Recruitment Concluded Pursuant to Section 175 (a) of the Compact of Free Association, as Amended;

(3) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Section 175 (b) of the Compact of Free Association, as Amended;

(4) Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands; and

(5) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund;

(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended; and

(7) Status of Forces Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Section 323 of the Compact of Free Association, as Amended.

Section 463

(a) Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended.

(b) Any reference in Articles IV and VI of Title One, and Sections 174, 175, 176 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States. [As amended Pub. L. 110–229, title VIII, §406(b)(2)(L), May 8, 2008, 122 Stat. 874.]

Article VII

Concluding Provisions

Section 471

“Both the Government of the United States and the Government of the Republic of the Marshall Islands shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force date of this Compact, as amended, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact, as amended, or, in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

Section 472

“This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Republic of the Marshall Islands.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association,
as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Republic of the Marshall Islands inform each other of the fulfillment of their respective requirements for entry into force.

“DONE at Majuro, Republic of the Marshall Islands, in duplicate, this thirtieth (30) day of April, 2003, each text being equally authentic.

Signed (April 30, 2003)
For the Government of the United States of America:
Ambassador Michael J. Senko
U.S. Ambassador to the Republic of the Marshall Islands

Signed (April 30, 2003)
For the Government of the Republic of the Marshall Islands:
His Excellency Banny deBrum
Ambassador Extraordinary and Plenipotentiary


§ 1921a. Agreements with Federated States of Micronesia

(a) Law enforcement assistance

Pursuant to sections 222 and 224 of the U.S.-FSM Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 1921d(j) of this title may be used to reimburse State or local agencies providing such assistance.

(b) Agreement on audits

The Comptroller General (and his duly authorized representatives) shall have the authority to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-FSM Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(2) Comptroller General access to records

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least five years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

(3) Status of Comptroller General representatives

The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and
laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same tax-

ation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Rela-
tions. The privileges, exemptions and immunities accorded under this paragraph are not for
the personal benefit of the individuals con-
cerned but are to safeguard the independent exercise of their official functions. Without
prejudice to those privileges, exemptions and immunities, it is the duty of all such persons
to respect the laws and regulations of the Gov-
ernment of the Federated States of Micronesia.

(4) Audits defined
As used in this subsection, the term "au-
dits" includes financial, program, and manage-
ment audits, including determining—
(A) whether the Government of the Fed-
erated States of Micronesia has met the re-
quirements set forth in the U.S.-FSM Com-
pact, or any related agreement entered into
under the U.S.-FSM Compact, regarding the purposes for which funds are to be used; and
(B) the propriety of the financial trans-
actions of the Government of the Federated
States of Micronesia pursuant to such grants or assistance.

(5) Cooperation by Federated States of Micro-
nesia
The Government of the Federated States of
Micronesia will cooperate fully with the
Comptroller General of the United States in the conduct of such audits as the Comptroller
General determines necessary to enable the
Comptroller General to fully discharge his re-
sponsibilities under this joint resolution.

Stat. 2725.)

REFERENCES IN TEXT
This joint resolution, referred to in subsec. (b)(5), is
the Compact of Free Association Amendments Act of 2003, which enacted this part and provisions set out as
notes under sections 1901 and 1921 of this title and other as-

nances to be used; and

and

sec-

B) the propriety of the financial trans-
actions of the Government of the Federated
States of Micronesia pursuant to such grants or assistance.

(5) Cooperation by Federated States of Micro-
nesia
The Government of the Federated States of
Micronesia will cooperate fully with the
Comptroller General of the United States in the conduct of such audits as the Comptroller
General determines necessary to enable the
Comptroller General to fully discharge his re-
sponsibilities under this joint resolution.

Stat. 2725.)

REFERENCES IN TEXT
This joint resolution, referred to in subsec. (b)(5), is
the Compact of Free Association Amendments Act of 2003, which enacted this part and provisions set out as
notes under sections 1901 and 1921 of this title and other as-

nances to be used; and

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(2) the propriety of the financial trans-
actions of the Government of the Federated
States of Micronesia pursuant to such grants or assistance.

§ 1921b. Agreements with and other provisions
related to the Republic of the Marshall Is-
lands

(a) Law enforcement assistance
Pursuant to sections 222 and 224 of the U.S.-
RMI Compact, the United States shall provid-
non-reimbursable technical and training assist-
ance as appropriate, including training and
equipment for postal inspection of illicit drugs and
other contraband, to enable the Government of
the Marshall Islands to develop and ade-
quately enforce laws of the Marshall Islands and
to cooperate with the United States in the en-
forcement of criminal laws of the United States.
Funds appropriated pursuant to section 1921d(j)
of this title may be used to reimburse State or
local agencies providing such assistance.
crow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that if the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

(4) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that at the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands, or to such account as such Government determines, all remaining funds and assets being managed by the Fund Manager under the Section 177 Agreement.

d) Nuclear test effects

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utrik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of $75,000,000 (Bikini); $48,750,000 (Enewetak); $37,500,000 (Rongelap); and $22,500,000 (Utrik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the subsidiary agreement for the implementation of section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact.

e) Espousal provisions

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that it is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the “Section 177 Agreement”) constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

(f) DOE radiological health care program; USDA agricultural and food programs

(1) Marshall Islands program

Notwithstanding any other provision of law, upon the request of the Government of the Republic of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermo-nuclear “Bravo” test, pursuant to Public Laws 95–134 and 96–205.

(2) Agricultural and food programs

(A) In general

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first fifteen years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to contract only with a United States firm or a Republic of the Marshall Islands firm, the owners, officers and majority of the employees of which are citizens of the United States or the Republic of the Marshall Islands) shall provide technical and other assistance—

(i) without reimbursement, to continue the planting and agricultural maintenance program on Enewetak, as provided in subparagraph (C); and

(ii) without reimbursement, to continue the food programs of the Bikini and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.

(B) Population changes

The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs.

(C) Planting and agricultural maintenance program

(i) In general

The planting and agricultural maintenance program on Enewetak shall be funded at a level of not less than $1,300,000 per year, as adjusted for inflation under section 218 of the U.S.-RMI Compact.
§ 1921b

(ii) Authorization and continuing appropriation

There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, $1,300,000, as adjusted for inflation under section 218 of the U.S.-RMI Compact, for grants to carry out the planting and agricultural maintenance program.

(3) Payments

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.

(g) Rongelap

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: “The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978”, dated November 1982, are adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the data are inadequate to support such conclusions as to habitability or that such conclusions as to habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that it is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Government of the Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.

(h) Four atoll health care program

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the “Section 177 Agreement”) shall be only for services to the people of the Atolls of Bikini, Eniwetok, Rongelap, and Utirik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95–354, to remain available until expended, for fiscal year 2005, $1,780,000; for fiscal year 2006, $1,760,000; and for fiscal year 2007, $1,760,000, as the final contributions of the United States to the Rongelap Resettlement Trust Fund as established pursuant to Public Law 102–154 (106 Stat. 1009), for the purposes of establishing a food importation program as a part of the overall resettlement program of Rongelap Island.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that at the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to
the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

(i) Enjebi Community Trust Fund

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as the “Enjebi Community Trust Fund” (hereafter in this subsection referred to as the “Fund”), and shall credit to the Fund the amount of $7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

(1) Enjebi trust agreement

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of $250,000,000.

(2) Monitor conditions

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

(3) Resettlement of Enjebi

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in the event that the United States determines that the people of Enjebi can within 25 years of January 14, 1986, resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government’s overall economic development plan:

(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

(B) Replant Enjebi with appropriate food-bearing and other vegetation.

(4) Resettlement of other location

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in the event that the United States determines that within 25 years of January 14, 1986, the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and concurred with by the Government of the Marshall Islands, to assure consistency with the government’s overall economic development plan.

(5) Interest from Fund

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

(6) Disclaimer of liability

In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.
(j) Bikini Atoll cleanup

(1) Declaration of policy

In the joint resolution of January 14, 1986 (Public Law 99–239), the Congress determined and declared that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraph (2) and (3) of this subsection.

(2) Cleanup funds

The joint resolution of January 14, 1986 (Public Law 99–239) authorized to be appropriated such sums as necessary to implement the settlement agreement of March 15, 1985, in The People of Bikini, et al. against United States of America, et al., Civ. No. 84–0425 (D. Ha.).

(3) Conditions of funding

In the joint resolution of January 14, 1986 (Public Law 99–239) the Congress provided that the funds referred to in paragraph (2) were to be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

(k) Agreement on audits

The Comptroller General (and his duly authorized representatives) shall have the authorities necessary to carry out his responsibilities under section 232 of the U.S.-RMI Compact and the agreement referred to in section 462(b)(4) of the U.S.-RMI Compact, including the following authorities:

(1) General authority of the Comptroller General to audit

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Republic of the Marshall Islands under Articles I and II of Title Two of the U.S.-RMI Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Republic of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-RMI Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such audit.

(2) Comptroller General access to records

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least five years after the date such grant or assistance was provided and in a manner that permits such grants, assistance and payments to be accounted for distinct from any other funds of the Government of the Republic of the Marshall Islands.

(3) Status of Comptroller General representatives

The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Republic of the Marshall Islands.

(4) Audits defined

As used in this subsection, the term “audits” includes financial, program, and management audits, including determining—

(A) whether the Government of the Republic of the Marshall Islands has met the requirements set forth in the U.S.-RMI Compact, or any related agreement entered into under the U.S.-RMI Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Republic of
the Marshall Islands pursuant to such grants or assistance.

(5) Cooperation by the Republic of the Marshall Islands

The Government of the Republic of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

(l) Kwajalein

(1) Statement of policy

It is the policy of the United States that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, or as amended or superseded, and any related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligation and responsibilities under Title Three of the U.S.-RMI Compact and the subsidiary agreements concluded pursuant to the U.S.-RMI Compact.

(2) Failure to pay

(A) In general

If the Government of the Marshall Islands fails to make payments in accordance with paragraph (1), the Government of the United States shall initiate procedures under section 313 of the U.S.-RMI Compact and consult with the Government of the Marshall Islands with respect to the basis for the non-payment of funds.

(B) Resolution

The United States shall expeditiously resolve the matter of any non-payment of funds required under paragraph (1) pursuant to section 313 of the U.S.-RMI Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands. This paragraph shall be enforced, as may be necessary, in accordance with section 1921d(e) of this title.

(3) Disposition of increased payments pending new land use agreement

Until such time as the Government of the Marshall Islands and the landowners of Kwajalein Atoll have concluded an agreement amending or superseding the land use agreement reflecting the terms and conditions as the President, in the discretion of the President, may determine are appropriate.


This joint resolution, referred to in subsecs. (i) and (k)(6), is Pub. L. 108–188, Dec. 17, 2003, 117 Stat. 2720, known as the Compact of Free Association Amendments Act of 2003, which enacted this part and provisions set out as notes under sections 1901 and 1921 of this title and amended provisions set out as a note under section 3101 of Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Short Title of 2003 Amendment note set out under section 1901 of this title and Tables.
§ 1921c. Interpretation of and United States policy regarding U.S.-FSM Compact and U.S.-RMI Compact

(a) Human rights

In approving the U.S.-FSM Compact and the U.S.-RMI Compact, Congress notes the conclusion in the Statement of Intent of the Report of The Future Political Status Commission of the Congress of Micronesia in July, 1969, that “our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government” and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Republic of the Marshall Islands. Congress also notes and specifically endorses the preamble to the U.S.-FSM Compact and the U.S.-RMI Compact, which affirms that the governments of the parties to the U.S.-FSM Compact and the U.S.-RMI Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to Congress pursuant to sections 2151n and 2204 of title 22, a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Republic of the Marshall Islands.

(b) Immigration and passport security

(1) Naturalized citizens

The rights of a bona fide naturalized citizen of the Federated States of Micronesia or the Republic of the Marshall Islands to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a nonimmigrant, to the extent such rights are provided under section 141 of the U.S.-FSM Compact and the U.S.-RMI Compact, shall not be deemed to extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

(2) Passports

It is the sense of Congress that up to $250,000 of the grant assistance provided to the Federated States of Micronesia pursuant to section 211(a)(4) of the U.S.-FSM Compact, and up to $250,000 of the grant assistance provided to the Republic of the Marshall Islands pursuant to section 211(a)(4) of the U.S.-RMI Compact (or a greater amount of the section 211(a)(4) grant, if mutually agreed between the Government of the United States and the government of the Federated States of Micronesia or the government of the Republic of the Marshall Islands, be used for the purpose of increasing the machine-readability and security of passports issued by such jurisdictions. It is further the sense of Congress that such funds be obligated by September 30, 2004 and in the amount and manner specified by the Secretary of State in consultation with the Secretary of Homeland Security and, respectively, with the government of the Federated States of Micronesia and the government of the Republic of the Marshall Islands. The United States Government is authorized to require that passports used for the purpose of seeking admission under section 141 of the U.S.-FSM Compact and the U.S.-RMI Compact contain the security enhancements funded by such assistance.

(3) Information-sharing

It is the sense of Congress that the governments of the Federated States of Micronesia and the Republic of the Marshall Islands develop, prior to October 1, 2004, the capability to provide reliable and timely information as may reasonably be required by the Government of the United States in enforcing criminal and security-related grounds of inadmissibility and deportability under the Immigration and Nationality Act, as amended [8 U.S.C. 1101 et seq.], and shall provide such information to the Government of the United States.

(4) Transition; construction of sections 141(a)(3) and 141(a)(4) of the U.S.-FSM Compact and U.S.-RMI Compact

The words “the effective date of this Compact, as amended” in sections 141(a)(3) and 141(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact shall be construed to read, “on the day prior to the enactment by the United States Congress of the Compact of Free Association Amendments Act of 2003.”.

(c) Nonalienation of lands

Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands to regulate, in accordance with their Constitutions and laws, the alienation of permanent interests in real property so as to restrict the acquisition of such interests to persons of Federated States of Micronesia citizenship and the Republic of the Marshall Islands citizenship, respectively.

(d) Nuclear waste disposal

In approving the U.S.-FSM Compact and the U.S.-RMI Compact, Congress understands that the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Republic of the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the U.S.-FSM Compact and the U.S.-RMI Compact.
(e) Impact of the U.S.-FSM Compact and the U.S.-RMI Compact on the State of Hawaii, Guam, the Commonwealth of the Northern Mariana Islands and American Samoa; related authorization and continuing appropriation

(1) Statement of congressional intent

In reauthorizing the U.S.-FSM Compact and the U.S.-RMI Compact, it is not the intent of Congress to cause any adverse consequences for an affected jurisdiction.

(2) Definitions

For the purposes of this part—

(A) the term “affected jurisdiction” means American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the State of Hawaii; and

(B) the term “qualified nonimmigrant” means a person, or their children under the age of 18, admitted or resident pursuant to section 141 of the U.S.-RMI or U.S.-FSM Compact, or section 141 of the Palau Compact who, as of a date referenced in the most recently published enumeration is a resident of an affected jurisdiction. As used in this subsection, the term “resident” shall be a person who has a “residence,” as that term is defined in section 101(a)(33) of the Immigration and Nationality Act, as amended [8 U.S.C. 1310(a)(33)].

(3) Authorization and continuing appropriation

There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, $30,000,000 for grants to affected jurisdictions for costs resulting from the migration of citizens of the Republic of Palau to the affected jurisdictions as a result of increased demands placed on health, educational, social, or public safety services or infrastructure related to such services due to the residence in affected jurisdictions of qualified nonimmigrants from the Republic of Palau to the affected jurisdictions.

The Secretary of the Interior shall allocate to the government of each affected jurisdiction, on the basis of the results of the most recent enumeration, grants in an aggregate amount equal to the total amount of funds appropriated under paragraph (3) of this subsection, as reduced by any deductions authorized by subparagraph (C) of paragraph (4) of this subsection, multiplied by a ratio derived by dividing the number of qualified nonimmigrants in such affected jurisdiction by the total number of qualified nonimmigrants in all affected jurisdictions.

(4) Use of DOD medical facilities and National Health Service Corps

(A) DOD medical facilities

The Secretary of Defense shall make available, on a space available and reimbursable basis, the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia and the Republic of Palau.

(B) National Health Service Corps

The Secretary of Health and Human Services shall continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Republic of the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

(C) Authorization of appropriations

There are authorized to be appropriated to carry out this paragraph such sums as are necessary for each fiscal year.
§ 1921c

(8) Reporting requirement

Not later than one year after December 17, 2003, and at one year intervals thereafter, the Governors of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa may provide to the Secretary of the Interior by February 1 of each year their comments with respect to the impacts of the Compacts on their respective jurisdictions. The Secretary of the Interior, upon receipt of any such comments, shall report to the Congress not later than May 1 of each year and include the following:

(A) The Governor’s comments on the impacts of the Compacts as well as the Administration’s analysis of such impact.

(B) The Administration views on any recommendations for corrective action to eliminate those consequences as proposed by such Governors.

(C) With regard to immigration, statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report.

(D) With regard to trade, an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia, and the Republic of the Marshall Islands.

(9) Reconciliation of unreimbursed impact expenses

(A) In general

Notwithstanding any other provision of law, the President, to address previously accrued and unreimbursed impact expenses, may, at the request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands, reduce, release, or waive all or part of any amounts owed by the Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands (or either government’s autonomous agencies or instrumentalities), respectively, to any department, agency, independent agency, office, or instrumentality of the United States.

(B) Terms and conditions

(i) Substantiation of impact costs

Not later than 120 days after December 17, 2003, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit to the Secretary of the Interior a report, prepared in consultation with an independent accounting firm, substantiating unreimbursed impact expenses claimed for the period from January 14, 1986, through September 30, 2003. Upon request of the Secretary of the Interior, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall submit to the Secretary of the Interior copies of all documents upon which the report submitted by that Governor under this clause was based.

(ii) Congressional notification

The President shall notify Congress of his intent to exercise the authority granted in subparagraph (A).

(iii) Congressional review and comment

Any reduction, release, or waiver under this Act shall not take effect until 60 days after the President notifies Congress of his intent to approve a request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands. In exercising his authority under this section and in determining whether to give final approval to a request, the President shall take into consideration comments he may receive after Congressional review.

(iv) Expiration

The authority granted in subparagraph (A) shall expire on February 28, 2005.

(10) Authorization of appropriations for grants

There are hereby authorized to the Secretary of the Interior for each of fiscal years 2004 through 2023 such sums as may be necessary for grants to the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, as a result of increased demands placed on educational, social, or public safety services or infrastructure related to such services due to the presence in Guam, Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa of qualified non-immigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(f) Foreign loans

Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands.

(g) Sense of Congress concerning funding of public infrastructure

It is the sense of Congress that not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and not less than 30 percent of the total amount of section 211 funds allocated to each of the States of the Federated States of Micronesia, shall be invested in infrastructure improvements and maintenance in accordance with section 211(a)(6). It is further the sense of Congress that not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be invested in infrastructure improvements and maintenance in accordance with section 211(d).
(h) Reports and reviews

(1) Report by the President

Not later than the end of the first full calendar year following enactment of this resolution, and not later than December 31 of each year thereafter, the President shall report to Congress regarding the Federated States of Micronesia and the Republic of the Marshall Islands, including but not limited to—

(A) general social, political, and economic conditions, including estimates of economic growth, per capita income, and migration rates;

(B) the use and effectiveness of United States financial, program, and technical assistance;

(C) the status of economic policy reforms including but not limited to progress toward establishing self-sufficient tax rates;

(D) the status of the efforts to increase investment including: the rate of infrastructure investment of U.S. financial assistance under the U.S.-FSM Compact and the U.S.-RMI Compact; non-U.S. contributions to the trust funds, and the level of private investment; and

(E) recommendations on ways to increase the effectiveness of United States assistance and to meet overall economic performance objectives, including, if appropriate, recommendations to Congress to adjust the inflation rate or to adjust the contributions to the Trust Funds based on non-U.S. contributions.

(2) Review

During the year of the fifth, tenth, and fifteenth anniversaries of December 17, 2003, the Government of the United States shall review the terms of the respective Compacts and consider the overall nature and development of the U.S.-FSM and U.S.-RMI relationships including the topics set forth in subparagraphs (A) through (E) of paragraph (1). In conducting the reviews, the Government of the United States shall consider the operating requirements of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands and their progress in meeting the development objectives set forth in their respective development plans. The President shall include in the annual reports to Congress for the years following the reviews the comments of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands on the topics described in this paragraph, the President’s response to the comments, the findings resulting from the reviews, and any recommendations for actions to respond to such findings.

(i) Construction of section 141(f)

Section 141(f)(2) of the Compact of Free Association, as amended, between the Government of the United States of America and the Governments of the Federated States of Micronesia and of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be construed as though, after “may by regulations prescribe”, there were included the following: “except that any such regulations that would have a significant effect on the admission, stay and employment privileges provided under this section shall not become effective until 90 days after the date of transmission of the regulations to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Resources, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives”.

(j) Inflation adjustment

As of Fiscal Year 2015, if the United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2009 through 2013 is greater than United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2004 through 2008 (as reported in the Survey of Current Business or subsequent publication and compiled by the Department of the Interior), then section 217 of the U.S.-FSM Compact, paragraph 5 of Article II of the U.S.-FSM Fiscal Procedures Agreement, section 218 of the U.S.-RMI Compact, and paragraph 5 of Article II of the U.S.-RMI Fiscal Procedures Agreement shall be construed as if “two-thirds of” each place those words appear. If an inflation adjustment is made under this subsection, the base year for calculating the inflation adjustment shall be fiscal year 2014.

(k) Participation by secondary schools in the Armed Services Vocational Aptitude Battery (ASVAB) Student Testing Program

In furtherance of the provisions of Title Three, Article IV, Section 341 of the U.S.-FSM and the U.S.-RMI Compacts, the purpose of which is to establish the privilege to volunteer for service in the U.S. Armed Forces, it is the sense of Congress that, to facilitate eligibility of FSM and RMI secondary school students to qualify for such service, the Department of Defense may extend the Armed Services Vocational Aptitude Battery (ASVAB) Student Testing Program (STP) and the ASVAB Career Exploration Program to selected secondary Schools in the FSM and the RMI to the extent such programs are available to Department of Defense Dependent Schools located in foreign jurisdictions.


REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (b)(3), is act June 27, 1952, ch. 726, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.


The Palau Compact, referred to in subsec. (e)(2)(B), probably means the Compact of Free Association between the United States and the Government of Palau,

108–188, which was approved Dec. 17, 2003.
which is contained in section 201 of Pub. L. 99–588, set
out as a note under section 1901 of this title.

The Compact of Free Association, approved by Public
Law 99–239, as amended to subsec. (e)(16), is the Compact
of Free Association between the Governments of the
Marshall Islands and the Federated States of Micronesia,
which is contained in section 201 of Pub. L. 99–239,
as amended, set out as a note under section 1901 of this
title.

This resolution, referred to in subsec. (e)(6), and this
Act, referred to in subsec. (e)(9)(B)(iii), are references
the Compact of Free Association Amendments Act of
2003, which enacted this part and provisions set out as
sections 1921 of Title 5, Government Organization and
Employees. For complete classification of this Act to the Code, see
Short Title of 2003 Amendment note set out under sec-
tion 1901 of this title and Tables.

The Compact of Free Association, as amended, be-
tween the Government of the United States of America
and the Government of the Federated States of Micron-
esia, referred to in subsecs. (g) and (i), is contained in
section 201(a) of Pub. L. 108–188, set out as a note under
section 1901 of this title.

The Compact of Free Association, as amended, be-
tween the Government of the United States of America
and the Government of the Republic of the Marshall Is-
lands, referred to in subsec. (g) and (i), is contained in
section 201(b) of Pub. L. 108–188, set out as a note under
section 1921 of this title.

The enactment of this resolution, referred to in sub-
sec. (h)(1), is the enactment of Pub. L. 108–188, which
was approved Dec. 17, 2003.

AMENDMENTS


Text read as follows: “Not later than the date that is
three years after December 17, 2003, and every 5 years
thereafter, the Comptroller General of the United
States (including its territories and common-
wealths).”

serted “the” before “U.S.-RMI Compact.”

Subsec. (e)(8). Pub. L. 110–229, § 806(a)(2)(B)(i), sub-
stituted “and include” for “to include” in introductory
provisions.

serted a comma after “impact expenses, may”.

Subsec. (e)(10). Pub. L. 110–229, § 806(a)(2)(B)(iii), sub-
stituted “related to such services” for “related to serv-
ice”.

“the” before “Interior.”.

CHANGE OF NAME

Committee on Resources of House of Representatives
changed to Committee on Natural Resources of House
of Representatives and Committee on International Re-
lations of House of Representatives changed to Com-
mittee on Foreign Affairs of House of Representatives
by House Resolution No. 6, One Hundred Tenth Con-

ASSIGNMENT OF REPORTING FUNCTIONS

Memorandum of President of the United States, July
21, 2009, 75 F.R. 43249, provided:

Memorandum for the Secretary of the Interior

By virtue of the authority vested in me by the Con-
stitution and the laws of the United States, including
section 301 of title 3, United States Code, I hereby as-
sign to you the functions of the President under section
19(b) of the Compact of Free Association Amendments

You are authorized and directed to publish this
memorandum in the Federal Register.

George W. Bush.

§ 1921d. Supplemental provisions

(a) Domestic program requirements

Except as may otherwise be provided in this
joint resolution, all United States Federal pro-
grams and services extended to or operated in
the Federated States of Micronesia or the Re-
public of the Marshall Islands are and shall re-
main subject to all applicable criteria, stand-
ards, reporting requirements, auditing pro-
dules, and other rules and regulations applicable
to such programs when operating (i) the United
States (including its territories and common-
wealths).

(b) Relations with the Federated States of Micron-
esia and the Republic of the Marshall Is-
lands

(1) Appropriations made pursuant to Article I
of Title Two and subsection (a)(2) of section 221
of Article II of Title Two of the U.S.-FSM Com-
pact and the U.S.-RMI Compact shall be made to
the Secretary of the Interior, who shall have the
authority necessary to fulfill his responsibilities
for monitoring and managing the funds so ap-
propriated consistent with the U.S.-FSM Com-
pact and the U.S.-RMI Compact, including the
agreements referred to in section 462(b)(4) of the
U.S.-FSM Compact and U.S.-RMI Compact (re-
lating to Fiscal Procedures) and the agreements
referred to in section 462(b)(5) of the U.S.-FSM
Compact and the U.S.-RMI Compact (regard-
ing the Trust Funds).

(2) Appropriations made pursuant to sub-
sections (a)(1) and (a)(3) through (a)(6) of section
221 of Article II of Title Two of the U.S.-FSM
Compact and subsection (a)(1) and (a)(3) through
(5) of the U.S.-RMI Compact shall be made di-
rectly to the agencies named in those sub-
sections.

(3) Appropriations for services and programs
referred to in subsection (b) of section 221 of Ar-
ticle II of Title Two of the U.S.-FSM Compact
or U.S.-RMI Compact and appropriations for ser-
vices and programs referred to in subsection (f) of
this section and section 1921g(a) of this title
shall be made to the relevant agencies in accor-
dance with the terms of the appropriations for
such services and programs.

(4) Federal agencies providing programs and
services to the Federated States of Micronesia
and the Republic of the Marshall Islands shall
coordinate with the Secretaries of the Interior
and State regarding provision of such programs
and services. The Secretaries of the Interior and
State shall consult with appropriate officials of
the Asian Development Bank and with the Sec-
retary of the Treasury regarding overall eco-
omic conditions in the Federated States of Mi-
cronesia and the Republic of the Marshall Is-
lands and regarding the activities of other do-
nors of assistance to the Federated States of Mi-
cronesia and the Republic of the Marshall Is-
lands.

(5) United States Government employees in ei-
ther the Federated States of Micronesia or the
Republic of the Marshall Islands are subject to
the authority of the United States Chief of Mis-
sion, including as elaborated in section 3927 of
title 22 and the President’s Letter of Instruction
to the United States Chief of Mission and any
order or directive of the President in effect from time to time.

(6) INTERAGENCY GROUP ON FREELY ASSOCIATED STATES’ AFFAIRS.—

(A) IN GENERAL.—The President is hereby authorized to appoint an Interagency Group on Freely Associated States’ Affairs to provide policy guidance and recommendations on implementation of the U.S.-FSM Compact and the U.S.-RMI Compact to Federal departments and agencies.

(B) SECRETARIES.—It is the sense of Congress that the Secretary of State and the Secretary of the Interior shall be represented on the Interagency Group.

(7) UNITED STATES APPOINTEES TO JOINT COMMITTEES.—

(A) JOINT ECONOMIC MANAGEMENT COMMITTEE.—

(i) IN GENERAL.—The three United States appointees (United States chair plus two members) to the Joint Economic Management Committee provided for in section 213 of the U.S.-FSM Compact and Article III of the U.S.-FSM Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-FSM Compact shall be United States Government officers or employees.

(ii) DEPARTMENTS.—It is the sense of Congress that 2 of the 3 appointees should be designated from the Department of State and the Department of the Interior, and that U.S. officials of the Asian Development Bank shall be consulted in order to properly coordinate U.S. and Asian Development Bank financial, program, and technical assistance.

(iii) ADDITIONAL SCOPE.—Section 213 of the U.S.-FSM Compact shall be construed to read as though the phrase, “the implementation of economic policy reforms to encourage investment and to achieve self-sufficient tax rates,” were inserted after “with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211”.

(B) JOINT ECONOMIC MANAGEMENT AND FINANCIAL ACCOUNTABILITY COMMITTEE.—

(i) IN GENERAL.—The three United States appointees (United States chair plus two members) to the Joint Economic Management and Financial Accountability Committee provided for in section 214 of the U.S.-RMI Compact and Article III of the U.S.-RMI Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-RMI Compact shall be United States Government officers or employees.

(ii) DEPARTMENTS.—It is the sense of Congress that 2 of the 3 appointees should be designated from the Department of State and the Department of the Interior, and that U.S. officials of the Asian Development Bank shall be consulted in order to properly coordinate U.S. and Asian Development Bank financial, program, and technical assistance.

(iii) ADDITIONAL SCOPE.—Section 214 of the U.S.-RMI Compact shall be construed to read as though the phrase, “the implementation of economic policy reforms to encourage investment and to achieve self-sufficient tax rates,” were inserted after “with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211”.

(8) OVERSIGHT AND COORDINATION.—It is the sense of Congress that the Secretary of State and the Secretary of the Interior shall ensure that there are personnel resources committed in the appropriate numbers and locations to ensure effective oversight of United States assistance, and effective coordination of assistance among United States agencies and with other international donors such as the Asian Development Bank.

(9) The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact and referred to in section 462(b)(5) of the U.S.-FSM Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. It is the sense of Congress that the appointees should be designated from the Department of State, the Department of the Interior, and the Department of the Treasury.

(10) The Trust Fund Committee provided for in Article 7 of the U.S.-FSM Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact shall be a nonprofit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation, or ordinance shall be deemed to be preempted by this joint resolution. The Trust Fund Committee provided for in Article 7 of the U.S.-RMI Trust Fund Agreement implementing section 216 of the U.S.-RMI Compact shall be a non-profit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation, or ordinance shall be deemed to be preempted by this joint resolution.
(c) Continuing Trust Territory authorization

The authorization provided by the Act of June 30, 1954, as amended (68 Stat. 330) shall remain available after the effective date of the Compact with respect to the Federated States of Micronesia and the Republic of the Marshall Islands for the following purposes:

(1) Prior to October 1, 1986, for any purpose authorized by the Compact or the joint resolution of January 14, 1986 (Public Law 99-239).

(2) Transition purposes, including but not limited to, completion of projects and fulfillment of commitments or obligations; termination of the Trust Territory Government and termination of the High Court; health and education as a result of exceptional circumstances; ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utirik; and technical assistance and training in financial management, program administration, and maintenance of infrastructure.

(d) Survivability

In furtherance of the provisions of Title Four, Article V, sections 452 and 453 of the U.S.–FSM Compact and the U.S.–RMI Compact, any provisions of the U.S.–FSM Compact or the U.S.–RMI Compact which remain effective after the termination of the U.S.–FSM Compact or U.S.–RMI Compact by the act of any party thereto and which are affected in any manner by provisions of this part shall remain subject to such provisions.

(e) Noncompliance sanctions; actions incompatible with United States authority

Congress expresses its understanding that the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands will not act in a manner incompatible with the authority and responsibility of the United States for security and defense matters in or related to the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.–FSM Compact or the U.S.–RMI Compact, including the agreements referred to in sections 462(a)(2) of the U.S.–FSM Compact and 462(a)(5) of the U.S.–RMI Compact. Congress further expresses its intention that any such act on the part of either such Government will be viewed by the United States as a material breach of the U.S.–FSM Compact or U.S.–RMI Compact. The Government of the United States reserves the right in the event of such a material breach of the U.S.–FSM Compact by the Government of the Federated States of Micronesia or the U.S.–RMI Compact by the Government of the Republic of the Marshall Islands to take action, including (but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to that Government.

(f) Continuing programs and laws

(1) Federated States of Micronesia and Republic of the Marshall Islands

In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 222 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Republic of the Marshall Islands:

(A) Emergency and disaster assistance

(i) In general

Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law.

In the sections referred to in this clause, the term “United States Agency for International Development, Office of Foreign Disaster Assistance” shall be construed to mean “the United States Agency for International Development”.

(ii) Definition of will provide funding

In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term “will provide funding” means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.

(B) Treatment of additional programs

(i) Consultation

The United States appointees to the committees established pursuant to section 213 of the U.S.–FSM Compact and section 214 of the U.S.–RMI Compact shall consult with the Secretary of Education regarding the objectives, use, and monitoring of United States financial, program, and technical assistance made available for educational purposes.

(ii) Continuing programs

The Government of the United States—

(I) shall continue to make available to the Federated States of Micronesia and the Republic of the Marshall Islands for fiscal years 2004 through 2023, the services to individuals eligible for such services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to the extent that such services continue to be available to individuals in the United States; and

(II) shall continue to make available to eligible institutions in the Federated States of Micronesia and the Republic of the Marshall Islands, and to students enrolled in such institutions, and in institutions in the United States, its territories, and the Republic of Palau, for fiscal years 2004 through 2023, grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) to the extent that such grants continue to be available to insti-
Supplemental education grants


(I) $12,230,000 for the Federated States of Micronesia for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 217 of the U.S.-FSM Compact, for each of fiscal years 2005 through 2023; and

(II) $6,100,000 for the Republic of the Marshall Islands for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 218 of the U.S.-RMI Compact, for each of fiscal years 2005 through 2023.

except that citizens of the Federated States of Micronesia and the Republic of the Marshall Islands who attend an institution of higher education in the United States or its territories, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau on December 17, 2003, may continue to receive assistance under such subpart 3 of part A or part C, for not more than 4 academic years after such date to enable such citizens to complete their program of study.

Fiscal procedures

Appropriations made pursuant to clause (iii) shall be used and monitored in accordance with an agreement between the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Interior, and in accordance with the respective Fiscal Procedures Agreements referred to in section 462(b)(4) of the U.S.-FSM Compact and section 462(b)(4) of the U.S.-RMI Compact. The agreement between the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Interior shall provide for the transfer, not later than 60 days after the appropriations made pursuant to clause (iii) become available to the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services, from the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services, to the Secretary of the Interior for disbursement.

Formula education grants

For fiscal years 2005 through 2023, except as provided in clause (i) and the exception provided under clause (iii), the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall not receive any grant under any formula-grant program administered by the Secretary of Education or the Secretary of Labor, nor any grant provided through the Head Start Act (42 U.S.C. 9831 et seq.) administered by the Secretary of Health and Human Services.

Transition

For fiscal year 2004, the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands may request technical assistance from the Secretary of Education, the Secretary of Health and Human Services, or the Secretary of Labor the terms of which, including reimbursement, shall be negotiated with the participation of the appropriate cabinet officer for inclusion in the Federal Programs and Services Agreement.

Continued eligibility for competitive grants

The Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall continue to be eligible for competitive grants administered by the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of Labor to the extent that such grants continue to be available to State and local governments in the United States.

Applicability

The government, institutions, and people of Palau shall remain eligible for appropriations and to receive grants under the provisions of law specified in clauses (ii) and (iii) until the end of fiscal year 2009, to the extent the government, institutions, and people of Palau were so eligible under such provisions in fiscal year 2003.

The Legal Services Corporation, which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions).

The Public Health Service.
§ 1921d  TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

(E) The Rural Housing Service (formerly, the Farmers Home Administration) in the Marshall Islands and each of the four States of the Federated States of Micronesia: Provided, That in lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Rural Housing Service applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia.

(2) Tort claims

The provisions of section 178 of the U.S.-FSM Compact and the U.S.-RMI Compact regarding settlement and payment of tort claims shall apply to employees of any Federal agency of the Government of the United States (and to any other person employed on behalf of any Federal agency of the Government of the United States on the basis of a contractual, cooperative, or similar agreement) which provides any service or carries out any other function pursuant to or in furtherance of any provisions of the U.S.-FSM Compact or the U.S.-RMI Compact or this joint resolution, except for provisions of Title Three of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied.

(3) PCB cleanup

The programs and services of the Environmental Protection Agency regarding PCBs shall, to the extent applicable, as appropriate, and in accordance with applicable law, be construed to be made available to such islands for the cleanup of PCBs imported prior to 1987. The Secretary of the Interior and the Secretary of Defense shall cooperate and assist in any such cleanup activities.

(g) College of Micronesia

Until otherwise provided by Act of Congress, or until termination of the U.S.-FSM Compact and the U.S.-RMI Compact, the College of Micronesia shall retain its status as a land-grant institution and its eligibility for all benefits and programs available to such land-grant institutions.

(h) Trust Territory debts to U.S. Federal agencies

Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(i) Judicial training

(1) In general

In addition to amounts provided under section 211(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact, the Secretary of the Interior shall annually provide $300,000 for the training of judges and officials of the judiciary in the Federated States of Micronesia and the Republic of the Marshall Islands in cooperation with the Pacific Islands Committee of the Ninth Circuit Judicial Council and in accordance with and to the extent provided in the Federal Programs and Services Agreement and the Fiscal Procedure Agreement, as appropriate.

(2) Authorization and continuing appropriation

There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, $300,000, as adjusted for inflation under section 218 of the U.S.-FSM Compact and the U.S.-RMI Compact, to carry out the purposes of this section.

(j) Technical assistance

Technical assistance may be provided pursuant to section 224 of the U.S.-FSM Compact or the U.S.-RMI Compact by Federal agencies and institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the National Resources Conservation Service, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t), shall be on a nonreimbursable basis. During the period the U.S.-FSM Compact and the U.S.-RMI Compact are in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Republic of the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Any funds provided pursuant to subsections (c) and (g) to (m) of this section shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.-FSM Compact, the U.S.-RMI Compact, or their related subsidiary agreements.

(k) Prior service benefits program

Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the Trust Territory of the Pacific Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

(l) Indefinite land use payments

There are authorized to be appropriated such sums as may be necessary to complete repay-

(m) Communicable disease control program

There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, and the governments of the affected jurisdictions, such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera, tuberculosis, and Hansen's Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands and the governments of the affected jurisdictions in designing and implementing such a program.

(n) User fees

Any person in the Federated States of Micronesia or the Republic of the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Republic of the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.

(o) Treatment of judgments of courts of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

No judgment, whenever issued, of a court of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, against the United States, or be subject to recognition or enforcement in a court in the United States, unless the judgment is consistent with the interpretation by the United States of international agreements relevant to the judgment. In determining the consistency of a judgment with an international agreement, due regard shall be given to assurances made by the Executive Branch to Congress of the United States regarding the proper interpretation of the international agreements.

(p) Establishment of trust funds; expedition of process

(1) In general

The Trust Fund Agreement executed pursuant to the U.S.-RMI Compact and the Trust Fund Agreement executed pursuant to the U.S.-FSM Compact each provides for the establishment of a trust fund.

(2) Method of establishment

The trust fund may be established by—

(A) creating a new legal entity to constitute the trust fund; or

(B) assuming control of an existing legal entity including, without limitation, a trust fund or other legal entity that was established by or at the direction of the Government of the United States, the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, or otherwise for the purpose of facilitating or expediting the establishment of the trust fund pursuant to the applicable Trust Fund Agreement.

(3) Obligations

For the purpose of expediting the commencement of operations of a trust fund under either Trust Fund Agreement, the trust fund may, but shall not be obligated to, assume any obligations of an existing legal entity and take assignment of any contract or other agreement to which the existing legal entity is party.

(4) Assistance

Without limiting the authority that the United States Government may otherwise have under applicable law, the United States Government may, but shall not be obligated to, provide financial, technical, or other assistance directly or indirectly to the Government of the Federated States of Micronesia or the Government of the Republic of the Marshall Islands for the purpose of establishing and operating a trust fund or other legal entity that will solicit bids from, and enter into contracts with, parties willing to serve in such capacities as trustee, depositary, money manager, or investment advisor, with the intention that the contracts will ultimately be assumed by and assigned to a trust fund established pursuant to a Trust Fund Agreement.

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (f)(1)(B)(ii)(I), (III), Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 35 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.


The Head Start Act, referred to in subsec. (f)(1)(B)(iii), (v), is subchapter B (§635 et seq.) of chapter 8 of title 10, as amended, which is classified generally to subchapter II (§683 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9301 of Title 42 and Tables.

The National Historic Preservation Act, referred to in subsec. (j), is Pub. L. 89–665, Oct. 15, 1966, 80 Stat. 915, as amended, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of Title 16, Conservation. For complete classification of this Act to the Code, see section 470(a) of Title 16 and Tables.

AMENDMENTS


Subsec. (f)(1)(B)(iii). Pub. L. 110–229, §804(2), which directed the substitution of “the Republic of the Marshall Islands, or the Republic of Palau” for “or the Republic of the Marshall Islands”, in subcl. (I) of cl. (i), was executed by making the substitution in the concluding provisions of cl. (iii), to reflect the probable intent of Congress.


Subsec. (f)(1)(C). Pub. L. 110–229, §805, inserted before period at end “, which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)”.

2007—Subsec. (f)(1)(B)(ix). Pub. L. 110–161 substituted “government, institutions, and people” for “Republic” in two places, “2009” for “2007”, and “were” for “was”.


EFFECTIVE DATE OF 2008 AMENDMENT
Pub. L. 110–229, title VIII, §§803(b), May 8, 2008, 122 Stat. 870, provided that: “The amendments made by subsection (a) (amending this section) shall be effective as of the date that is 180 days after the date of enactment of this Act [May 8, 2008].”

CONTINUED APPlicability of Subsection (f)(1)(B)(ix)


§1921e. Construction contract assistance
(a) Assistance to U.S. firms
In order to assist the Governments of the Federated States of Micronesia and of the Republic of the Marshall Islands through private sector firms which may be awarded contracts for construction or major repair of capital infrastructure within the Federated States of Micronesia or the Republic of the Marshall Islands, the United States shall enter into agreements with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands with respect to any such contracts, and the United States shall enter into agreements with such firms whereby such firms will, consistent with applicable requirements of such Governments—

(1) to the maximum extent possible, employ citizens of the Federated States of Micronesia and the Republic of the Marshall Islands;

(2) to the extent that necessary skills are not possessed by citizens of the Federated States of Micronesia and the Republic of the Marshall Islands, provide, on the job training, with particular emphasis on the development of skills relating to operation of machinery and routine and preventative maintenance of machinery and other facilities; and

(3) provide specific training or other assistance in order to enable the Government to engage in long-term maintenance of infrastructure.

Assistance by such firms pursuant to this section may not exceed 20 percent of the amount of the contract and shall be made available only to such firms which meet the definition of United
States firm under the nationality rule for suppliers of services of the Agency for International Development (hereafter in this section referred to as "United States firms"). There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to cover any additional costs incurred by the Government of the Federated States of Micronesia or the Republic of the Marshall Islands if such Governments, pursuant to an agreement entered into with the United States, apply a preference on the award of contracts to United States firms, provided that the amount of such preference does not exceed 10 percent of the amount of the lowest qualified bid from a non-United States firm for such contract.


§ 1921f. Prohibition

All laws governing conflicts of interest and post-employment of Federal employees shall apply to the implementation of this Act.


References in Text

This Act, referred to in text, is Pub. L. 108–188, Dec. 17, 2003, 117 Stat. 2755, known as the Compact of Free Association Amendments Act of 2003, which enacted this part and provisions set out as notes under sections 1901 and 1921 of this title and amended provisions set out as notes under sections 3101 of Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

§ 1921g. Compensatory adjustments

(a) Additional programs and services

In addition to the programs and services set forth in section 221 of the U.S.-FSM Compact and the U.S.-RMI Compact, and pursuant to section 222 of the U.S.-FSM Compact and the U.S.-RMI Compact, the services and programs of the following United States agencies shall be made available to the Federated States of Micronesia and the Republic of the Marshall Islands: the Small Business Administration, Economic Development Administration, the Rural Utilities Services (formerly Rural Electrification Administration); the programs and services of the Department of Labor under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.; relating to Job Corps); and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

(b) Further amounts

(1) The joint resolution of January 14, 1986 (Public Law 99–239) provided that the governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of title IV of that joint resolution upon Title Two of the Compact. There were authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as necessary, but not to exceed $40,000,000 for the Federated States of Micronesia and $20,000,000 for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation provided in subsections (a) and (b) of section III of the joint resolution of January 14, 1986 (Public Law 99–239) (48 U.S.C. 1913(a), (b)) for adverse impacts if any, on the economies of such areas resulting from the effect of title IV of that joint resolution upon Title Two of the Compact. The joint resolution of January 14, 1986 (Public Law 99–239) further provided that at the end of the initial fifteen-year term of the Compact, should any portion of the total amount of funds authorized in section 111 of that resolution not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in section 111 for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government's showing of such adverse impact, if any, as provided in that subsection.

(2) The governments of the Federated States of Micronesia and the Republic of the Marshall Islands may each submit no more than one report or request for further compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99–239) and any such report or request must be submitted by September 30, 2009. Only adverse economic effects occurring during the initial 15-year term of the Compact may be considered for compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99–239).


References in Text


§ 1921h. Authorization and continuing appropriation

(a) There are authorized and appropriated to the Department of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, such sums as are necessary to carry out the purposes of sections 1921f(d)(1) and 1921h(i) of this title, sections 211, 212(b), 215, and 217 of the U.S.-FSM Compact, and sections 211, 212, 213(b), 216, and 218 of the U.S.-RMI Compact, in this and subsequent years.
(b) There are authorized to be appropriated to the Departments, agencies, and instrumentalities named in paragraphs (1) and (3) through (6) of section 221(a) of the U.S.-FSM Compact and paragraphs (1) and (3) through (5) of section 221(a) of the U.S.-RMI Compact, such sums as are necessary to carry out the purposes of sections 221(a) of the U.S.-FSM Compact and the U.S.-RMI Compact, to remain available until expended.


SUBCHAPTER II—PALAU

PART A—APPROVAL OF COMPACT AND SUPPLEMENTAL PROVISIONS

§ 1931. Approval of Compact of Free Association

(a) Approval

The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of Palau is hereby approved, and Congress hereby consents to as subsidiary or related agreements), as they thereafter to implement such Compact, having thereafter to implement such Compact, having taken into account any procedures with respect to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

(b) Reference to Compact

Any reference in this joint resolution to the ‘‘Compact’’ shall be treated as a reference to the Compact of Free Association set forth in title II of this joint resolution.

(c) Amendment, change, or termination of Compact and certain agreements

(1) Mutual agreement by the Government of the United States as provided in the Compact which results in amendment, change, or termination of all or any part thereof shall be affected only by Act of Congress and no unilateral action by the Government of the United States provided for in the Compact, and having such result, may be effected other than by Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the Compact including, but not limited to, actions taken pursuant to sections 411, 412, 414, or 442;

(B) to any amendment, change, or termination in any agreement that may be concluded at any time between the Government of the United States and the Government of Palau regarding friendship, cooperation and mutual security concluded pursuant to sections 321 and 323 of the Compact referred to in section 462(h);

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact sections 175 and 221(a)(4), the terms of which are incorporated by reference into the Compact; and

(D) to the following subsidiary agreements, or portions thereof:

(i) Article II of the agreement referred to in section 462(a) of the Compact;

(ii) Article II of the agreement referred to in section 462(b) of the Compact;

(iii) Article II and Section 7 of Article X of the agreement referred to in section 462(f) of the Compact;

(iv) the agreement referred to in section 462(g) of the Compact;

(v) Articles II, III, IV, V, VI, and VII of the agreement referred to in section 462(h) of the Compact; and

(vi) Articles VI, XV, and XVII of the agreement referred to in section 462(i) of the Compact.

(d) Effective date

(1) The authority of the President to agree to an effective date for the Compact of Free Association between the United States and Palau concurrently with termination of the Trusteeship shall be carried out in accordance with this section, and the Compact shall not take effect until after—

(A) The President has certified to the Congress that the Compact has been approved in accordance with Section 411(a) and (b) of the Compact, and that there exists no legal impediment to the ability of the United States to carry out fully its responsibilities and to exercise its rights under Title Three of the Compact, as set forth in this Act, and

(B) enactment of a joint resolution which has been reported by the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Foreign Affairs and other appropriate Committees of the House of Representatives authorizing entry into force of the Compact, and

(C) agreements have been concluded with Palau which satisfy the requirements of section 1902 of this title. For the purpose of this subsection the word ‘‘Palau’’ shall be substituted for ‘‘Federated States of Micronesia’’ whenever it appears in section 1902 of this title.

(2) Any agreement concluded with Palau pursuant to subparagraph (C) of paragraph (1) and any agreement which would amend, change, or terminate any subsidiary agreement or related agreement, or portion thereof, as set forth in paragraph (4) of this subsection shall be submitted to the Congress. No such agreement shall take effect until after the expiration of 30 days after the date such agreement is so submitted (excluding days on which either House of Congress is not in session).

(3) No agreement described in paragraph (2) shall take effect if a joint resolution of disapproval is enacted during the period specified in paragraph (2). For the purpose of expediting the consideration of such a joint resolution, a motion to proceed to the consideration of any such joint resolution after it has been reported by an appropriate committee shall be treated as highly privileged in the House of Representa-
s. Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of Public Law 94–329.

(4) The subsidiary agreement of portions thereof referred to in paragraph (2) are as follows:

(A) Articles III and IV of the agreement referred to in section 462(b) of the Compact.

(B) Articles III, IV, V, VI, VII, VIII, IX, and X (except for section 7 thereof) of the agreement referred to in section 462(f) of the Compact.

(C) Articles IV, V, X, XIV, XVI, and XVIII of the agreement referred to in section 462(i) of the Compact.

(D) Articles II, V, VII, and VIII of the agreement referred to in section 462(h) of the Compact.

(E) The agreement referred to in section 462(j) of the Compact.

(5) No agreement between the United States and the Government of Palau which would amend, change, or terminate any subsidiary or related agreement, or portion thereof, other than those set forth in subsection (d) of this section or paragraph (4) of this subsection, shall take effect until the President has transmitted such an agreement to the President of the Senate and the Speaker of the House of Representatives, together with an explanation of the agreement and the reasons therefor.


REFERENCES IN TEXT

The Compact of Free Association and the Compact, referred to in text, is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out below.

This joint resolution and this Act, referred to in text, is Pub. L. 99–658, Nov. 14, 1986, 100 Stat. 3672, as amended, which is classified generally to this part. Title II of the joint resolution enacted section 1934 of this title and provisions set out below. For complete classification of this Act to the Code, see Tables.

For Oct. 1, 1984, as the date the Compact of Free Association with Palau takes effect, referred to in subsecs. (a) and (d), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out below.

Section 601(b) of Public Law 94–329, referred to in subsec. (d)(3), is section 601(b) of Pub. L. 94–329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

CHANGE OF NAME

Committee on Interior and Insular Affairs of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 5, One Hundred Third Congress, Jan. 5, 1993.

REGULATIONS REGARDING HABITUAL RESIDENCE


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.

RECEITAL CLAUSES

Pub. L. 99–658 which enacted this part contained several “Whereas” clauses reading as follows:

“Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the Trusteeship Agreement for the former Japanese Mandated Islands entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 18, 1947; and

“Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of the Trust Territory toward self-government or independence as appropriate to the particular circumstances (sic) of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and

“Whereas the United States, in response to the desires of the people of Palau expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted government, and in consideration of its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the people of Palau; and

“Whereas these negotiations resulted in the ‘Compact of Free Association’ [set out below] between the United States and Palau which, together with its related agreements, was signed by the United States and by Palau on January 10, 1986; and

“Whereas the Compact of Free Association received a favorable vote of a majority of the people of Palau voting in a United Nations-observed plebiscite conducted on February 21, 1986; and

“Whereas the Supreme Court of Palau has ruled that section 411 of the Compact has not yet been completed; and

“Whereas the President of Palau has requested the United States to complete the process of United States approval of the Compact of Free Association in accordance with section 411 of the Compact through enactment of an appropriate joint resolution’.”

COMPACT OF FREE ASSOCIATION

Section 201 of Pub. L. 99–658 provided that: “Compact of Free Association is as follows:

“COMPACT OF FREE ASSOCIATION

“PREAMBLE

“THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PALAU

“Affirming that their Governments and the relationship between their Governments are founded upon respect for human rights and fundamental freedoms for all, and

“Affirming the common interests of the United States of America and the people of Palau in creating close and mutually beneficial relationships through a free and voluntary association of their Governments; and

“Affirming the interest of the Government of the United States in promoting the economic advancement and self-sufficiency of the people of Palau; and
“Recognizing that their previous relationship has been based upon the International Trusteeship System of the United Nations Charter; and that pursuant to Article 76 of the Charter, the peoples of the Trust Territory have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they have, through freely-expressed wishes, adopted a Constitution appropriate to their particular circumstances; and

“Recognizing their common desire to terminate the Trusteeship and establish a new government-to-government relationship in accordance with a new political status based on the freely-expressed wishes of the people of Palau and appropriate to their particular circumstances; and

“Recognizing that the people of Palau have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of their Government into this Compact of Free Association by the people of Palau constitutes an exercise of their sovereign right to self-determination;

“NOW, THEREFORE, AGREE to enter into relationship of free association which provides a full measure of self-government for the people of Palau; and

“FURTHER AGREE that the relationships of free association derive from and are as set forth in this Compact; and that, during such relationships of free association, the respective rights and responsibilities of the Government of the United States and the Government of the freely associated state of Palau in regard to this relationship of free association derives from and is as set forth in this Compact.

“TITLE ONE

“GOVERNMENT RELATIONS

“Article I

“Self-government

“Section 111

“Section 111

“The people of Palau, acting through their duly elected government established under their constitution, are self-governing.

“Article II

“Foreign Affairs

“Section 121

“(a) The Republic of Palau has the capacity to conduct foreign affairs in its own name and right, except as otherwise provided in this Compact and the Government of the United States recognizes that the Government of Palau, in the exercise of this capacity, may enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

“(b) In the conduct of its foreign affairs the Government of Palau confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

“Section 122

“The Government of the United States shall support application by the Government of Palau for membership or other participation in regional or international organizations as may be mutually agreed. The Government of the United States agrees to accept citizens of Palau for training and instruction at the United States Foreign Service Institute [now George P. Shultz National Foreign Affairs Training Center], established under 22 U.S.C. 4021, or similar training under terms and conditions to be mutually agreed.

“Section 123

“In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of Palau shall consult with the Government of the United States. The Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of Palau on matters which the Government of the United States regards as relating to or affecting the Government of Palau, and the Government of the United States shall provide, on a regular basis, information on regional foreign policy matters.

“Section 124

“(a) The Government of Palau has authority to conduct its foreign affairs relating to the law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and nonliving resources from the sea, seabed or subsoil to the full extent recognized under international law.

“(b) The Government of Palau has jurisdiction and sovereignty over its territory, including its land and internal waters, territorial seas, the airspace superjacent thereto only to the extent recognized under international law.

“Section 125

“Except as otherwise provided in this Compact or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as administering authority which have resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact are no longer assumed and enjoyed by the Government of the United States.

“Section 126

“The Government of the United States shall accept responsibility for those actions taken by the Government of Palau in the area of foreign affairs, only as may from time to time be expressly and mutually agreed.

“Section 127

“The Government of the United States may assist or act on behalf of the Government of Palau in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of Palau undertaken with the assistance or through the agency of the Government of the United States pursuant to this Section unless expressly agreed.

“Section 128

“At the request of the Government of Palau and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of Palau for travel outside of Palau, the Marshall Islands, the Federated States of Micronesia, the United States and its territories and possessions.

“Article III

“Communications

“Section 131

“(a) The Government of Palau has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communication assistance in accordance with the terms of a related agreement which shall come into effect simultaneously with this Compact, and such agreement shall remain in effect until such time as any election is made pursuant to Section 131(b) and which shall provide for the following:

“(1) the Government of the United States remains the sole administration entitled to make notification to the International Frequency Registration Board of the International Telecommunications Union of frequency assignments to radio communications stations in Palau; and to submit to the International Frequency Registration Board seasonal schedules for the broadcasting station in Palau in the bands allocated exclusively to the broadcasting service between 5,950 and 26,100 kHz and in any other additional fre-
Section 141

The provisions set forth in Section 141 shall not apply to any person who takes an affirmative step to preserve or acquire a citizenship or nationality other than that of Palau.

(b) Every person having the privileges set forth in Sections 141 and 142 who possesses a citizenship or nationality other than that of Palau or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

Section 144

(a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of Palau, commences employment with Palau, the Government of the United States may consent to that employment but the Government of Palau shall not be deprived of his United States nationality pursuant to Section 349(a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481(a)(2) and (a)(4).

(b) Upon such notification by the Government of Palau, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of Palau on the effective date of this Compact with respect to the positions held by them at that time.

Article IV

Immigration

Section 141

(a) Any person in the following categories may enter into, lawfully engage in occupations, and reside lawfully in Palau, subject to the right of that Government to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in Palau only in accordance with the laws of Palau concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

(b) Every person having the privileges set forth in Sections 141 and 142 who possesses a citizenship or nationality other than that of Palau or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

Section 144

(a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of Palau, commences employment with Palau, the Government of the United States may consent to that employment but the Government of Palau shall not be deprived of his United States nationality pursuant to Section 349(a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481(a)(2) and (a)(4).

(b) Upon such notification by the Government of Palau, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of Palau on the effective date of this Compact with respect to the positions held by them at that time.

Article V

Representation

Section 151

The Government of the United States and the Government of Palau may establish and maintain representative offices in the capitals of the other.

Section 152

(a) The premises of such representatives [sic] offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of international [sic] law to official communications of a diplomatic mission.

(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from
seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

"(c) The sending Government, and their respective assets, income and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and representative offices.

"(d) Persons designated by the sending Government to serve in the capacity of its resident representatives shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

"(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

"Article VI

"Environmental Protection

"Section 161

"(a) The Government of the United States and the Government of Palau declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Palau.

"Section 162

"(a) The Government of the United States and the Government of Palau agree that with respect to the activities of the Government of the United States in Palau, and with respect to substantially equivalent activities of the Government of Palau, each of the Governments shall be bound by such environmental protective standards for environmental protection substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

"(b) The Government of Palau shall be immune from any action before a court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands for any action brought by the Government of Palau pursuant to this Compact and its related agreements by that Government in the United States pursuant to this Compact and its related agreements.

"(c) The Government of the United States and the Government of Palau agree to the following undertakings,

"Section 163

"(a) Every citizen of Palau who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by a nonresident alien.


"Section 171

"(a) The Government of Palau shall be immune from any environmental standard or procedure which the President determines it to be in the paramount interest of the Government of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceases with respect to Palau as of the effective date of this Compact.


"(c) Except as otherwise provided in this Compact and its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement begins with respect to Palau as of the effective date of this Compact; and any action before a court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands for any action brought by the Government of Palau pursuant to this Compact and its related agreements shall be considered a 'person' within the meaning of the Freedom of Information Act, § U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701–706.
the Pacific Islands, pending as of the effective date of this Compact, against the Government of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

“(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in Section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor court, which shall have jurisdiction therefor, notwithstanding the provisions of 28 U.S.C. 1502, and whose decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

“(d) The Government of Palau, shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of Palau, in any case in which the action is based on a commercial activity of the defendant Government carried out where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought. This subsection shall apply only to actions based on commercial activities entered into or injuries or losses suffered on or after the effective date of this Compact.

“Section 175

“A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Government of Palau regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners. This separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-4115, shall be applicable to the transfer of prisoners under the separate agreement.

“Section 176

“The Government of Palau confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of Palau to grant relief from judgments in appropriate cases.

“Section 177

“(a) Federal agencies of the Government of the United States which provide services and related programs in Palau are authorized to settle and pay tort claims arising in Palau from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in Section 177(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1394 shall apply exclusively to such administrative settlements and payments.

“(b) Claims under Section 177(a) which cannot be settled under Section 177(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

“(c) The Government of the United States and the Government of Palau shall provide for:

“(1) the administrative settlement of claims referred to in Section 177(a), including designation of local agents in Palau, such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such related agreements; and

“(2) arbitration, referred to in Section 177(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 177(a).

“(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

“TITLE TWO

“ECONOMIC RELATIONS

“Article I

“Grant Assistance

“Section 211

“In order to assist the Government of Palau in its efforts to advance the well-being of the people of Palau and in recognition of the special relationship that exists between the United States and Palau, the Government of the United States shall provide to the Government of Palau on a grant basis the following amounts: “(a) $12 million annually for ten years commencing on the effective date of this Compact, and $11 million annually for five years commencing on the tenth anniversary of the effective date of this Compact, for current account operations and maintenance purposes, which amounts commencing on the fourth anniversary of the effective date of this Compact shall include a minimum annual distribution of $5 million from the fund specified in Section 211(f). “(b) $2 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact as a contribution to efforts aimed at achieving increased self-sufficiency in energy production, of which annual amounts not less than $500,000 shall be devoted to the energy needs of those parts of Palau not served by its central power-generating facility.

“(c) $150,000 annually for fifteen years commencing on the effective date of this Compact as a contribution to current account operations and maintenance of communications systems, and the sum of $1.5 million, to be made available concurrently with the grant assistance provided during the first year after the effective date of this Compact, for the purpose of acquiring such communications hardware as may be located within Palau or for such other current account operations and maintenance purposes as the Government of Palau may select.

“(d) $531,000 annually on a current account basis for fifteen years commencing on the effective date of this Compact for the purposes set forth below: “(1) for the surveillance and enforcement by Government of Palau of its maritime zone; “(2) for health and medical programs, including referrals to hospital and treatment centers; and “(3) for a scholarship fund to support the post-secondary education of citizens of Palau attending United States accredited, post-secondary institutions in Palau, the United States, its territories and possessions, and states in free association with the United States. The curricular criteria for the award of scholarships shall be designed to advance the purposes of the plan referred to in Section 231.

“(e) The sum of $666,800 as a contribution to the commencement of activities pursuant to Section 211(d)(1).

“(f) The sum of $56 million on the effective date of this Compact, and the sum of $4 million concurrently with the grant assistance to be made available during the third year after the effective date of this Compact,
to create a fund to be invested by the Government of Palau in issues of bonds, notes or other redeemable instruments of the Government of the United States or other qualified instruments which may be identified by mutual agreement of the Government of the United States and the Government of Palau. Investment of the fund in qualified instruments of United States nationality, and the distribution of sums derived from such investment to the Government of Palau, shall not be subject to any form of taxation by the United States or its political subdivisions. The Government of the United States and the Government of Palau shall set forth in a separate agreement, which shall come into effect simultaneously with this Compact, provisions for the investment, management and review of the fund so as to allow for an agreed minimum annual distribution from its accrued principal and interest commencing upon the effective date of this Compact for fifty years. The objective of this sum is to produce an average annual distribution of $15 million commencing on the fifteenth anniversary of this Compact for thirty-five years. Any excess or variance from the agreed minimum annual distributions which may be produced from these shall accrue to or be absorbed by the Government of Palau unless mutually agreed in accordance with the provisions of the separate agreement referred to in this paragraph. The annual distributions produced from these sums are not subject to Sections 215 and 236.

"Section 212

"In order to assist the Government of Palau in its efforts to advance the economic development and self-sufficiency of the people of Palau and in recognition of the special relationship that exists between the United States and Palau, the Government of the United States shall provide:

"(a) To the people of Palau, a road system in accordance with mutually agreed specifications, the construction of which shall be completed prior to the sixth anniversary of the effective date of this Compact; and

"(b) To the Government of Palau, the sum of $36 million, during the first year after the effective date of this Compact, for capital account purposes.

"Section 213

"The Government of the United States shall provide on a grant basis to the Government of Palau the sum of $5.5 million in conjunction with Article II of Title Three. This shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of Palau, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Palau.

"Section 214

"All funds previously appropriated to the Trust Territory of the Pacific Islands for the Government of Palau which are unobligated by the Government of the Trust Territory as of the effective date of this Compact shall accrue to the Government of Palau for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

"Section 215

"Except as otherwise provided, the amounts stated in Sections 211(a), 211(b), 211(c) and 212(b) shall be adjusted for each fiscal year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

"Article II

"Program Assistance

"Section 221

"(a) The Government of the United States shall make available to Palau, in accordance with and to the extent provided in the separate agreement referred to in Section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands during the year prior to the effective date of this Compact, the services and related programs:

"(1) of the United States Weather Service;

"(2) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 et seq.;

"(3) of the United States Federal Aviation Administration; and

"(4) of the United States Civil Aeronautics Board or its successor agencies which has the authority to implement the provisions of paragraph 5 of Article IX of such separate agreements, the language of which is incorporated into this Compact.

"(b) The Government of the United States, recognizing the special needs of the Palau [sic] particularly in the fields of education and health care, shall make available, as provided by the laws of the United States,

"(1) the annual amount of $2 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232; and

"(2) the sums of $4.3 million, $2.9 million and $1.5 million, respectively, during the first, second and third years after the effective date of this Compact, which sums shall be used by the Government of Palau as current account funds to finance programs similar to those programs of the United States that applied to Palau prior to the effective date of this Compact.

"(c) The Government of the United States shall make available to Palau such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

"(d) The Government of the United States shall have and exercise such authority as is necessary for the purposes of this Article and as is set forth in the related agreements referred to in Section 232, which shall also set forth the extent to which services and programs shall be provided to Palau.

"Section 222

"The Government of Palau may request, from time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its law and which shall give priority consideration to Palau over other recipients not a part of the United States, its territories or possessions and equivalent consideration to Palau with respect to other states in Free Association with the United States.

"Section 223

"The citizens of Palau who are receiving post-secondary education assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

"Section 224

"The Government of the United States and the Government of Palau may agree from time to time to the extension to Palau of additional United States grant assistance and of United States services and programs as provided by the laws of the United States.

"Article III

"Administrative Provisions

"Section 231

"(a) The annual expenditure by the Government of Palau of the grant amounts specified in Article I of this
Title shall be in accordance with an official national development plan promulgated by the Government of Palau and concurred in by the Government of the United States prior to the effective date of this Compact. This plan may be amended from time to time by the Government of Palau.

"(b) The Government of the United States and the Government of Palau recognize that the achievement of the goals of the plan referred to in this Section depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of Palau, including the Government of the United States, and may, in addition, be affected by the impact of exceptional, economically adverse circumstances. The Government of Palau shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of this plan and on its use of the funds specified in this Article. This report shall outline the achievements of the plan to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. The availability of such additional economic assistance from the Government of the United States shall be subject to the authorization and appropriation of funds by the Government of the United States.

"Section 232

"The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in Palau, and other arrangements in connection with a service or program furnished by the Government of the United States, are set forth in related agreements which shall come into effect simultaneously with this Compact.

"Section 233

"The Government of the United States, in consultation with the Government of Palau, shall determine and implement procedures for the periodic audit of all grants and other assistance made under this Title. Such audits shall be conducted at no cost to the Government of Palau.

"Section 234

"Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands and in Palau acquired for or used by the Government of the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Government of Palau as of the effective date of this Compact shall remain available as trust funds to their designated beneficiaries. The Government of the United States, in consultation with the Government of Palau, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

"(b) To provide for the continuity of administration, and to assure the Government[s] of Palau that the purposes of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Commissioner of the Trust Territory of the Pacific Islands.

"Section 236

"Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Article I of this Title. The obligation of the Government of the United States under Article I of this Title shall be enforceable in the United States Claims Court (now United States Court of Federal Claims), or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States.

"Article IV

"Trade

"Section 241

"Palau is not included in the customs territory of the United States.

"Section 242

"The President of the United States shall proclaim the following tariff treatment for articles imported from Palau which shall apply during the period of effectiveness of this Title:

"(a) Unless otherwise excluded, articles imported from Palau, subject to the limitations imposed under sections 503(b) and 504(c) of title 5 of the Trade Act of 1974 (19 U.S.C. 2463(b): 2464(c)), shall be exempt from duty.

"(b) Only canned tuna provided for in item 112.30 of the Tariff Schedules of the United States that is imported from the Federated States of Micronesia, the Marshall Islands and Palau during any calendar year not to exceed 10 percent of the United States consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty free treatment under this paragraph for any calendar year shall be counted against the aggregate quantity of canned tuna that is dutiable under rate column numbered 1 of such item 112.30 for that calendar year.

"(c) The duty-free treatment provided under paragraph (1) shall not apply to:

"(1) watches, clockworks and timing apparatus provided for in subpart E of part 2 of schedule 7 of the Tariff Schedules of the United States;

"(2) buttons (whether finished or not finished) provided for in item 745.32 of the Tariff Schedules of the United States;

"(3) textile and apparel articles which are subject to textile agreements; and

"(4) footwear, handbags, luggage, flat goods, work gloves, and leather wear of apparel which are not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) on April 1, 1984.

"(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of Palau, an amount not to exceed 5 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(b)(2) of title V of the Trade Act of 1974.

"Section 243

"Articles imported from Palau which are not exempt from any duty under paragraphs (a), (b), (c) and (d) of Section 242 shall be subject to the rates of duty set forth in column numbered 1 of the Tariff Schedules of the United States and all products of the United States which are imported into Palau shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a
similar nature and with respect to laws and regulations related to importation, exportation, taxation, sale, distribution, storage, or use.

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"Article V

"Finance and Taxation

"Section 251

"The currency of the United States is the official circulating legal tender of Palau. Should the Government of Palau act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

"Section 252

"The Government of Palau may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as such Government deems appropriate. The determination ofPalau’s tax liability as to any property, shall, for purposes of this Compact, be made according to the United States Internal Revenue Code.

"Section 253

"A citizen of Palau, domiciled therein and who is a nonresident and not a citizen of the United States, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

"Section 254

"(a) In determining any income tax imposed by the Government of Palau, the Government of Palau shall have authority to impose tax upon income derived by a resident of Palau from sources without Palau in the same manner and to the same extent as the Government of Palau imposes tax upon income derived from within its jurisdiction. If the Government of Palau exercises such authority as provided in this subsection, any individual resident of Palau who is subject to tax by the Government of the United States on income which is also taxed by the Government of Palau shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term ‘resident of Palau’ shall be deemed to include any person who was physically present in Palau for a period of 183 or more days during any taxable year. The relief from liability referred to in this subsection means only:

(1) relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and

(2) relief in the form of the exclusion under section 911 of the United States Internal Revenue Code of 1954.

(b) If the Government of Palau subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such taxation shall be deemed to have exercised the authority described in Subsection (a) of this Section.

"Section 255

"(a) For purposes of section 936 of the Internal Revenue Code of 1954 Palau shall be treated as if it was a possession of the United States.

(b) Subsection (a) of this Section shall not apply to Palau for any period after December 31, 1986, during which there is not in effect between Palau and the United States an exchange of information agreement of the kind described in section 274(h)(6)(C) (other than clause (ii) thereof) of the Internal Revenue Code of 1954.

"(c) If the tax incentives extended to Palau under subsection (a) of this Section are, at any time during which the Compact is in effect, reduced, the United States Secretary of the Treasury shall negotiate an agreement with the Government of Palau under which, when such agreement is approved by law, Palau will be provided with benefits substantially equivalent to such reduction in benefits. If within the 1-year period after the date of the enactment of the Act making the reduction in benefits, an agreement negotiated under the preceding sentence is not approved by law, the matter shall be submitted to the Arbitration Board established pursuant to Section 424. For purposes of Article V of this Title, the Secretary of the Treasury or his delegate shall be the member of such Board representing the Government of the United States. Any decision of such Board in the matter when approved by law shall be binding on the United States, except that such decision rendered is binding only as to whether the United States has provided the substantially equivalent benefits referred to in this subsection.

(d) For purposes of section 274(h)(3)(A) of the Internal Revenue Code of 1984, the term ‘North American area’ shall include Palau.

"Section 256

"This Article shall apply to income earned, and transactions occurring, after September 30, 1985, in taxable years ending after such date.

"TITLE THREE

"SECURITY AND DEFENSE RELATIONS

"Article I

"Authority and Responsibility

"Section 311

"The territorial jurisdiction of the Republic of Palau shall be completely foreclosed to the military forces and personnel or for the military purposes of any nation except the United States of America, and as provided for in Section 312.

"Section 312

"The Government of the United States has full authority and responsibility for security and defense matters in or relating to Palau. Subject to the terms of any agreements negotiated pursuant to Article II of this Title, the Government of the United States may conduct within the lands, water and airspace of Palau the activities and operations necessary for the exercise of its authority and responsibility under this Title. The Government of the United States may invite the armed forces of other nations to use military areas and facilities in Palau in conjunction with and under the control of United States Armed Forces.

"Section 313

"The Government of Palau shall refrain from actions which the Government of the United States determines, after consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to Palau.

"Article II

"Defense Sites and Operating Rights

"Section 321

"The Government of the United States may establish and use defense sites in Palau, and may designate for this purpose land and water areas and improvements in accordance with the provisions of a separate agreement which shall come into force simultaneously with this Compact.

"Section 322

"(a) When the Government of the United States desires to establish or use such a defense site specifically identified in the separate agreement referred to in Section 321, it shall so inform the Government of Palau which shall make the designated site available to the Government of the United States for the duration and level of use specified.

(b) With respect to any site not specifically identified in the separate agreement referred to in Section 321, the Government of the United States shall inform
the Government of Palau, which shall make the designated site available to the Government of the United States for the duration and level of use specified, or shall make available one alternative site acceptable to the Government of the United States. If such alternative site is unacceptable to the Government of the United States, the site first designated shall be made available after such determination.

"(c) Compensation in full for designation, establishment or use of defense sites is provided in Title Two of this Compact.

"Section 322

"The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in Palau, are set forth in related agreements which shall come into effect simultaneously with this Compact.

"Section 323

"In the exercise of Palau of its authority and responsibility under this Title, the Government of the United States shall not use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare and the Government of Palau assures the Government of the United States that in carrying out its security and defense responsibilities under this Title, the Government of the United States has the right to operate nuclear capable or nuclear propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau.

"Article III

"Defense Treaties and International Security Agreements

"Section 331

"Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to Palau, all obligations, responsibilities, rights and benefits of:

"(a) Any defense treaty or other international security agreement applied by the Government of the United States as administering authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact; and

"(b) Any defense treaty or other international security agreement under which the Government of the United States is or may become a party which it determines to be applicable in Palau. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of Palau.

"Article IV

"Service in the Armed Forces of the United States

"Section 341

"Any citizen of Palau entitled to the privileges of Section 141 of this Compact shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such person does not establish habitual residence in the United States, its territories or possessions.

"Section 342

"The Government of the United States shall have enrolled, at any one time, at least one qualified student from Palau as may be nominated by the Government of Palau, in each of:

"(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195; and

"(b) The United States Merchant Marine Academy pursuant to [former] 46 U.S.C. [App. 1259b(b)(6)] [see 46 U.S.C. 1259b(b)(6)] provided that the provisions of 46 U.S.C. [App. 1259b(b)(6)] [see 46 U.S.C. 1259b(b)(6)(C) [now 46 U.S.C. 51304(b)(2)]) shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

"General Provisions

"Section 351

"(a) The Government of the United States and the Government of Palau shall establish a joint committee empowered to consider disputes which may arise under the implementation of this Title and its related agreements.

"(b) The membership of the joint committee shall comprise selected senior officials of each of the participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the joint committee. For the meetings of the joint committee, each of the Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

"(c) Unless otherwise mutually agreed, the joint committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The joint committee shall also meet promptly upon request of either of its members. Upon notification by the Government of the United States, the joint committee shall meet promptly in combined session with other such joint committees so notified. The joint committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

"(d) Unresolved issues in the joint committee shall be referred to the Government of the United States and the Government of Palau for resolution, and the Government of Palau shall be afforded, on an expedient basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

"Section 352

"In the exercise of its authority and responsibility under this Compact, the Government of the United States shall accord due respect to the authority and responsibility of the Government of Palau under this Compact and to the responsibility of the Government of Palau to assure the well-being of Palau and its people. The Government of the United States and the Government of Palau agree that the authority and responsibility of the United States set forth in this Title are exercised for the mutual security and benefit of Palau and the United States, and that any attack on Palau would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, or threat thereof, the Government of the United States would take action to meet the danger to the United States and Palau in accordance with its constitutional processes.

"Section 353

"(a) The Government of the United States shall not include the Government of Palau as a named party to a formal declaration of war, without the consent of the Government of Palau.

"(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of Palau which arise out of armed conflict subsequent to the effective date of this Compact and which are:

"(1) petitions to the Government of the United States for redress; or

"(2) claims in any manner against the government, citizens, nationals or entities of any third country.

"(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.
TITLE FOUR
GENERAL PROVISIONS
Article I
Approval and Effective Date

Section 411
This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of Palau, subsequent to completion of the following:

(a) Approval by the Government of Palau in accordance with its constitutional processes;

(b) Approval by the people of Palau in a referendum called on this Compact; and

(c) Approval by the Government of the United States in accordance with its constitutional processes.

Article II
Conference and Dispute Resolution

Section 421
The Government of the United States and the Government of Palau shall confer promptly at the request of the other on matters relating to the provisions of this Compact or of its related agreements.

Section 422
In the event the Government of the United States or the Government of Palau, after conferring pursuant to Section 421, determines that there is a dispute and gives written notice thereof, the Governments shall make a good faith effort to resolve the dispute among themselves.

Section 423
If a dispute between the Government of the United States and the Government of Palau cannot be resolved within 90 days of written notification in the manner provided in Section 422, either party to the dispute may refer it to arbitration in accordance with Section 424.

Section 424
Should a dispute be referred to arbitration as provided for in Section 423, an arbitration board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An arbitration board shall consist of a chairman and two other members, each of whom shall be a citizen of the party to the dispute and each of the two parties to the dispute shall appoint one member to the arbitration board. If either party to the dispute does not fulfill the appointment requirements of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the arbitration board shall be selected from its own standing list by the other party to the dispute. Each government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a chairman within 15 days after selection of the other members of the arbitration board. Failing agreement on a chairman, the chairman shall be chosen by lot from the standing lists of the parties to the dispute within 30 days after such failure.

(b) The arbitration board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV, and VI of Title One, Title Two, Title Four and their related agreements.

(c) Each member of the arbitration board shall have one vote. Each decision of the arbitration board shall be reached by majority vote.

(d) In determining any legal issue, the arbitration board may have reference to international law and, in such reference, shall apply provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The arbitration board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise by mutual agreement, the arbitration board shall endeavor to render its decision within 30 days after the conclusion of arguments. The arbitration board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the arbitration board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of Palau.

Article III
Amendment and Review

Section 431
The provisions of this Compact may be amended at any time by mutual agreement of the Government of the United States and the Government of Palau in accordance with their respective constitutional processes.

Section 432
Upon the fifteenth and thirtieth and fortieth anniversaries of the effective date of this Compact, the Government of the United States and the Government of Palau shall formally review the terms of this Compact and its related agreements and shall consider the nature and development of their relationship. In these formal reviews, the Governments shall consider the operating requirements of the Government of Palau and its progress in meeting the development objectives set forth in the plan referred to in Section 231(a). The governments commit themselves to take specific measures in relation to the findings of conclusions resulting from the review. Any alteration to the terms of this Compact or its related agreements shall be made by mutual agreement and the terms of this Compact and its related agreements shall remain in force until otherwise amended or terminated pursuant to Title Four of this Compact.

Article IV
Termination

Section 441
This Compact may be terminated by mutual agreement and subject to Section 451.

Section 442
This Compact may be terminated by the Government of the United States subject to Section 452, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

Section 443
This Compact shall be terminated, pursuant to its constitutional processes, by the Government of Palau subject to Section 452 if the people of Palau vote in a plebiscite to terminate. The Government of Palau shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such government shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.
 TITLE 48—TERRITORIES AND INSULAR POSSESSIONS  §1931

"(2) ‘Certificate of Actual Residence’ means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3)."

"(g) ‘Defence Sites’ means those land and water areas and improvements thereon in Palau reserved or acquired by the Government of Palau for use by the Government of the United States, as set forth in the related agreements referred to in Section 321."

"(b) ‘Capital Account’ means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, which are to be obligated for:

(1) the construction or major repair of capital infrastructure; or

(2) public and private sector projects identified in the official overall economic development plan of Palau, as amended.

"(i) ‘Current Account’ means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

"(j) ‘Official National Development Plan’ means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authority in Title Two. Such a document should include an analysis of population trends, manpower requirements, social needs, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of Palau. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

"(k) ‘Tariff Schedules of the United States’ means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to Title Two and Section 232 of the Compact of Free Association;"


“Section 462

“The Government of the United States and the Government of Palau shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, and which shall be construed and implemented in a manner consistent with this Compact, as follows:

"(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States in Palau, Concluded Pursuant to Section 131 of the Compact of Free Association;

"(b) Agreement Regarding United States Economic Assistance to the Government of Palau for use by the Government of the United States, as set forth in the related agreements referred to in Section 321.

"(c) Agreement Regarding Property Turnover, Concluded Pursuant to Section 132 of the Compact of Free Association;"

"(d) Agreement Regarding Federal Programs and Services, and Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association;"

"(e) Agreement Regarding Construction Projects in Palau Concluded Pursuant to Section 212(a) of the Compact of Free Association;"

"(f) Agreement Regarding Construction Projects in Palau Concluded Pursuant to Section 212(b) of the Compact of Free Association;"

"(g) Agreement Regarding Property Turnover, Concluded Pursuant to Section 234 of the Compact of Free Association;"
(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in Palau Concluded Pursuant to Sections 321 and 322 of the Compact of Free Association; and

(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association.

Article VII

Concluding Provisions

Section 471

(a) The Government of the United States and the Government of Palau agree that they have full authority under their respective constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.

(b) The Government of the United States and the Government of Palau shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, that their laws, regulations and administrative procedures are such as to effect the commitments referred to in Section 471(a).

(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

Section 472

This Compact may be accepted, by signature or otherwise, by the Government of the United States and the Government of Palau. Each government shall possess an original English language version.

IN WITNESS THEREOF, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and the Government of Palau.

DONE AT , this ______ Day

OF , one thousand nine hundred eighty-five

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

DONE AT , this ______ Day

OF , one thousand nine hundred eighty-five

FOR THE GOVERNMENT

OF

THE REPUBLIC OF PALAU

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]
nember 14, 1986 (Public Law 99–658) [48 U.S.C. 1901, 1902], do hereby find, declare, and proclaim as follows:

SECTION 1. I determine that the Trusteeship Agreement for the Pacific Islands will be no longer in effect with respect to the Republic of Palau as of October 1, 1994, at one minute past one o’clock p.m. local time in Palau. This constitutes the determination referred to in section 1902 of the Covenant with the Northern Mariana Islands (Public Law 94–241).

SECTION 2. The Compact of Free Association with the Republic of Palau will be in full force and effect as of October 1, 1994, at one minute past one o’clock p.m. local time in Palau.

SECTION 3. I am gratified that the people of the Republic of Palau, after 47 years of Trusteeship, have freely chosen to establish a relationship of Free Association with the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States America the two hundred and nineteenth.

WILLIAM J. CLINTON.

§ 1932. Extension of Compact of Free Association to Palau

(a) The interpretation of and United States Policy Regarding the Compact of Free Association set forth in section 1904 of this title shall apply to the Compact of Free Association with Palau.

(b) The provisions of section 1905 of this title, except for subsection (i), section 1906 of this title, section 1910 of this title, and section 1911(a) and (d) of this title shall apply to Palau in the same manner and to the same extent as such sections apply to the Marshall Islands.


REFERENCES IN TEXT

The Compact of Free Association with Palau, referred to in subsec. (a), is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 2 of Pub. L. 99–658, set out as a note under section 1681 of this title.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

§ 1933. Supplemental provisions

(a) Civic Action Teams

(1) In recognition of the special development needs of Palau and the Marshall Islands, the United States shall make available United States military Civic Action Teams for use in Palau or the Northern Mariana Islands under terms and conditions mutually agreed upon by the Government of the United States and the Governments of Palau or the Marshall Islands, as appropriate. The Government of Palau may use the amount of $250,000 annually from current account funds provided pursuant to section 211 of the Compact to defray expenditures attendant to the operation of the Civic Action Teams made available pursuant to this subsection. The Government of the Marshall Islands may use the amount of $250,000 annually from current account funds provided under section 211 of Title Two of the Compact of Free Association with the Marshall Islands to defray expenditures attendant to the operation of the Civic Action Teams made available pursuant to this subsection.

(2) For expenditures that the Department of Defense makes pursuant to paragraph (1), the Secretary of Defense may accept up to the amount of $250,000 in annual funds from the Government of Palau as specified in paragraph (1). Funds accepted by the Secretary from the Government of Palau under this paragraph shall be credited to and merged with appropriations available to the Department of Defense and shall be used to defray expenditures attendant to the operation of the United States military Civic Action Team in Palau. Funds so credited and merged shall be available for the same time period as the appropriations to which the funds are credited and merged.

(b) Inventory and study of natural, historic, and other resources

The Secretary of the Interior shall conduct, upon request of Palau, the Federated States of Micronesia or the Marshall Islands, and through the Director of the National Park Service, a comprehensive inventory and study of the most unique and significant natural, historical, cultural, and recreational resources of Palau, the Federated States of Micronesia or the Marshall Islands. Areas or sites exhibiting such qualities shall be described and evaluated with the objective of the preservation of their values and their careful use and appreciation shall be identified and evaluated; and authorities needed to properly protect and allow for public use and appreciation shall be identified and discussed. Such inventory and study shall be conducted in full cooperation and consultation with affected governmental officials and the interested public. A full report on such inventory and study shall be transmitted to Palau or the Federated States of Micronesia or the Marshall Islands, the Committee on Interior and Insular Affairs of the United States Senate no later than two complete calendar years after November 14, 1986. The inventory and study shall also identify areas or sites which, if they were located in the United States, would qualify to be listed on the Registry of Natural Landmarks and the National Register of Historic Places.
(c) Omitted

(d) Peleliu and Angaur

Not later than one year after November 14, 1986, the Secretary of Agriculture, after appropriate studies conducted in consultation with the Government of Palau, shall report to the President and the Congress concerning the feasibility and cost of rehabilitating and restoring the fertility of the topsoil of the islands of Peleliu and Angaur. Upon the request of the Government of Palau, the President shall make the report of the Secretary of Agriculture available to the Government of Palau. Technical assistance to accomplish such rehabilitation and restoration, if feasible, may be provided to the Government of Palau on a nonreimbursable basis, subject to the availability of appropriated funds.

(e) Power generation

Neither the Secretary of the Treasury nor any other officer or agent of the United States shall pay or transfer any portion of the sum and amounts payable to the Government of Palau pursuant to this joint resolution to any party other than the Government of Palau, except under the procedures established by the Compact and its related agreements. No funds appropriated pursuant to the Compact, this Act, or any other Act for grants or other assistance to Palau may be used to satisfy any obligation or expense incurred by Palau prior to November 14, 1986, with respect to any contract or debt related to any electrical generating plant or related facilities or incurred by Palau which has not been specifically authorized by Congress in advance, except that the Government of Palau may use any portion of the annual grant under section 211(b) not required to be devoted to the energy needs of those parts of Palau not served by its central power generating facilities and any portion of the funds under section 212(b) of the Compact for such purpose.

(f) Reduction of appropriations

Amounts appropriated to be paid pursuant to section 177 of Article I of Title One or Articles I and III of Title Two of the Compact of Free Association with the Federated States of Micronesia and the Marshall Islands, as set forth in Title II of the Compact of Free Association Act of 1985, or pursuant to section 103(h), 103(k), or 105(m) of such Act [48 U.S.C. 1903(h), (k), 1905(m)] (Public Law 99–239), or pursuant to Article I of Title Two of the Compact with Palau, as set forth in Title II of this joint resolution, or subsection (i) of this section shall not be reduced, notwithstanding Public Law 99–177, Public Law 99–366, and other law enacted to implement Public Law 99–177, or any other provision of law.

(g) Understandings, interpretations, and policy statements

The Congress reaffirms all of the understandings, interpretations, and policy statements contained in Public Law 99–239 (99 Stat. 1770) [48 U.S.C. 1901 et seq., 2001 et seq.], or this joint resolution, in the act of making supplemental appropriations for fiscal year 1986, shall remain available until expended.

(h) Additional provisions relating to Title Three of Compact

(1) The Government of the United States recognizes and respects the scarcity and special importance of land in Palau. In making any designation of land pursuant to section 322 of the Compact, the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy the requirement through public real property, where available, rather than through private real property.

(2) The Armed Forces of other nations invited to use military areas and facilities in Palau pursuant to section 312 of the Compact shall be permitted only as it is incident to the authority and under the control of the United States. The activities of such third country forces shall be subject to the same limitations and restrictions applicable to the authority of the United States under the terms of the Compact.

(3) The Government of the United States considers “Exclusive use” areas established for the United States pursuant to Title Three of the Compact to be “within the jurisdiction of Palau,” as that term is used in section 324 of the Compact.

(i) Availability of appropriations

Notwithstanding any other provision of law, funds appropriated for the Compact of Free Association, Public Law 99–239 [48 U.S.C. 1901 et seq., 2001 et seq.], or this joint resolution, in the act of making supplemental appropriations for fiscal year 1986, shall remain available until expended.

(j) Authority to contract or make payments

(1), (2) Omitted

(3) No authority under this subsection to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts.

(k) Annual report

The Departments of Energy and Interior are directed to provide the Committees on Appro-
priations of the House and Senate with a report by December 1 of each fiscal year detailing how funds were spent during the previous fiscal year for the special medical care and logistical support program for Rongelap and Utirik and for the agriculture and food programs for Eniwetok and Bikini as referenced in Section 103(h) of Public Law 99–239 [48 U.S.C. 1903(h)]. The report shall also specify the anticipated needs during the current and following fiscal years in order to meet the radiological health care and logistical support program for Rongelap and Utirik and the planting, agricultural, maintenance, and food programs for Eniwetok and Bikini. It is the sense of the Congress that the special medical care and logistical support program for Rongelap and Utirik and for the agriculture and food programs for Eniwetok and Bikini described in section 103(h) of Public Law 99–239 represent special and continuing moral commitments of the United States which will be annually funded to the extent of the need of the populations of such atolls for such assistance.


REFERENCES IN TEXT
The Compact, referred to in text, is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out as a note under section 1931 of this title.

The Compact of Free Association with the Marshall Islands and the Compact of Free Association with the Federated States of Micronesia and the Marshall Islands, referred to in subs. (a)(1) and (f), respectively, are contained in the Compact of Free Association, which is contained in section 201 of Pub. L. 99–239, set out as a note under section 1901 of this title.

This joint resolution and this Act, referred to in subs. (e), (f), and (1), is Pub. L. 99–658, Nov. 14, 1986, 100 Stat. 3672, as amended, which is classified generally to this part. Title II of this joint resolution enacted section 1934 of this title and provisions set out as a note under section 1931 of this title. For complete classification of this Act to the Code, see Tables.

The Compact of Free Association Act of 1985 and Public Law 99–239, referred to in subs. (f), (g), and (1), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, as amended, which is classified principally to part A of subchapter I of this chapter and chapter 19 (§2001 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Section was formerly set out as a note under section 1681 of this title.


AMENDMENTS

1969—Subsec. (e). Pub. L. 101–219 amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Neither the Secretary of the Treasury nor any other officer or agent of the United States shall pay or transfer any portion of the sums and amounts payable to the Government of Palau pursuant to this joint resolution to any party other than the Government of Palau. The provisions of section 174(a) of the Compact shall apply with respect to any action based on a contract or debt related to any electrical generating plant or related facilities entered into or incurred by Palau prior to the date of enactment of this joint resolution.”

CHANGE OF NAME
Committee on Interior and Insular Affairs of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 5, One Hundred Third Congress, Jan. 5, 1993.

§1934. Jurisdiction

(a) Maritime and territorial jurisdiction

With respect to section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States and aliens lawfully admitted to the United States for permanent residence who are in Palau.

(b) Defense sites

The defense sites of the United States established in Palau in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in section 7, title 18.

(c) Offenses

(1) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the territory of Guam by the laws thereof, in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(2) The District Court of Guam shall have jurisdiction to try all criminal offenses against the United States, including the laws of Guam made applicable to the defense sites in Palau by virtue of subsection (c)(1) of this section, committed by any person referred to in subsection (a) of this section.

(3) The District Court of Guam may appoint one or more magistrate judges for the defense sites in Palau. Such Magistrate Judges shall have the power and the status of Magistrate Judges appointed pursuant to chapter 43, title 28. Provided however, That such Magistrate Judges shall have the power to try persons accused of, and sentence persons convicted of, petty offenses, as defined in section 1(3), title 18, including violations of regulations for the

1See References in Text note below.
maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18.


REFERENCES IN TEXT

The Compact of Free Association, referred to in subsections (a) and (b), is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out as a note under section 1931 of this title.


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

Section was enacted as part of title II of Pub. L. 99–658, not as part of title I of Pub. L. 99–658 which comprises this part.

CHANGE OF NAME

Words "magistrate judges" and "Magistrate Judges" substituted for "magistrates" and "Magistrates", respectively, wherever appearing in subsection (c)(3) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

PART B—IMPLEMENTATION OF COMPACT

§ 1951. Entry into force of Compact

Notwithstanding the provisions of section 101(d)(1)(B) of Public Law 99–658 [48 U.S.C. 1931(d)(1)(B)], entry into force of the Compact of Free Association between the United States and Palau (set forth in title II of Public Law 99–658 and hereinafter in this joint resolution referred to as the "Compact") in accordance with subsections (a) and (d) of section 101 of Public Law 99–658 (100 Stat. 3673) [48 U.S.C. 1931(a), (d)] is hereby authorized—

(1) subject to the condition that the Compact, as approved by the Congress in Public Law 99–658, is approved by the requisite percentage of the votes cast in a referendum conducted pursuant to the Constitution of Palau, and such approval is free from any legal challenge, and

(2) upon expiration of 30 days, in which either the House of Representatives or the Senate of the United States is in session, after the President notifies the Committees on Interior and Insular Affairs and Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the effective date of the Compact.


REFERENCES IN TEXT


This joint resolution, referred to in text, is Pub. L. 101–219, Dec. 12, 1989, 103 Stat. 1870, which enacted this part and sections 1846 and 1972 of this title, amended sections 1615 and 1933 of this title and section 3791 of Title 42, The Public Health and Welfare, and enacted provisions set out as a note under section 1965 of Title 44, Public Printing and Documents. For complete classification of this joint resolution to the Code, see Tables.

For Oct. 1, 1994, as the effective date of the Compact, referred to in par. (2), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of this title.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

CHANGE OF NAME

Committee on Interior and Insular Affairs of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 5, One Hundred Third Congress, Jan. 5, 1993.

§ 1952. Fiscal procedures assistance


REFERENCES IN TEXT

This joint resolution, referred to in text, is Pub. L. 101–219, Dec. 12, 1989, 103 Stat. 1870, which enacted this part and sections 1846 and 1972 of this title, amended sections 1615 and 1933 of this title and section 3791 of Title 42, The Public Health and Welfare, and enacted provisions set out as a note under section 1905 of Title 44, Public Printing and Documents. For complete classification of this joint resolution to the Code, see Tables.


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

§ 1953. Antidrug program

(a) Plan

The Department of the Interior shall develop, in cooperation with the Government of Palau and the National Drug Control Policy Office, a plan for an antidrug program in Palau. The plan shall be submitted to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and
the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1990. The plan shall: (1) identify the specific needs and costs of such an antidrug program; (2) shall identify all existing resources to be allocated for its implementation by the Government of the United States and the Government of Palau; and (3) shall recommend priority use for additional resources, assuming such resources are made available.

(b) Agreement

Following completion of the plan, the President and the Government of Palau shall negotiate an agreement to facilitate implementation of the plan. Such agreement may include—

(1) that the Government of Palau may request, on a long-term or case-by-case basis, that the officers of United States law enforcement agencies may conduct investigations consistent with implementation of the plan in cooperation with the law enforcement agencies of the Government of Palau;

(2) that the Government of Palau or the Government of the United States may agree to provide specific resources, on a one-time or a multiyear basis, to strengthen the antidrug program; and

(3) a specific description of the technical assistance, training, and equipment to be provided to Palau by the United States necessary to implement the plan.


Codification

Section was formerly set out as a note under section 1681 of this title.

Change of Name

Committee on Interior and Insular Affairs of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 5, One Hundred Third Congress, Jan. 5, 1993.

§ 1954. Public auditor and special prosecutor

(a) Upon request of the Government of Palau the President shall provide, on a nonreimbursable basis, appropriate technical assistance to the public auditor or special prosecutor. The assistance provided pursuant to this subsection for the first five years after the effective date of the Compact shall, upon the request of the Government of Palau, and to the extent personnel are available, include (but not be limited to) the full time services of—

(1) an auditor or accountant, as determined by the public auditor, for the office of public auditor; and

(2) an attorney or investigator, as determined by the special prosecutor, for the office of special prosecutor.


References in Text

For Oct. 1, 1994, as the effective date of the Compact, referred to in text, see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of this title.

1 So in original. No subsec. (b) has been enacted.

§ 1955. Audit certification

The chief officer of any agency conducting an audit pursuant to paragraph (1) of sections 1902(c) and 1903(m) of this title and section 1931(d)(1)(C) of this title shall certify that audit.


Codification

Section was formerly set out as a note under section 1681 of this title.

§ 1956. Acquisition of defense sites

The provisions of title III of the Compact relating to future use by the United States of defense sites in Palau do not restrict the authority of the President of the United States to—

(1) request additional funding, subject to appropriation, related to the use of privately owned land in Palau pursuant to article II of title III of the Compact as may be appropriate in light of actual land use requirements, independent appraisals of such privately owned land accepted by both governments, and other appropriate documentation of actual land use costs; and

(2) consent to an extension of the time set forth in a subsidiary agreement to such article in which the Government of Palau is required to make such land available to the United States.


References in Text

The Compact, referred to in text, is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out as a note under section 1931 of this title.

Codification

Section was formerly set out as a note under section 1681 of this title.

§ 1957. Federal programs coordination personnel

The Secretary of the Interior shall station at least one professional staff person in each of the Offices of the United States Representatives in the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands to provide Federal program coordination and technical assistance to such governments as authorized under Public Laws 99–239 [48 U.S.C. 1901 et seq., 2001 et seq.] and 99–658 [48 U.S.C. 1931 et seq.]. In meeting the purposes of this section the Secretary shall select qualified persons following consultations with the Interagency Group on Freely Associated State Affairs.


References in Text

§ 1958. Referendum costs

The Secretary of the Interior shall provide such sums as may be necessary for a further referendum on approval of the Compact, if one is required, or other appropriate costs associated with the approval process in Palau.


§ 1959. Agreements

(a) Effective date of certain agreements

An agreement between the United States and the Government of the Republic of Palau consistent with the agreements approved by Public Law 101–62 (101 Stat. 162) shall take effect without further authorization thirty days after submission to Congress.

(b) Extensions

The provisions of article IX, paragraph 5(a) of the Agreement referred to in section 462(e) of the Compact of Free Association as approved by Public Law 99–239, and article IX, paragraph 5(a) of the agreement referred to in section 462(f) of the Compact of Free Association for Palau as approved by Public Law 99–658, are extended, in accordance with the terms thereof, until October 1, 1998, unless earlier terminated or further extended by the laws of the United States.

(c) Authorization

Funding to implement the provisions of this part, and for assistance to the central health care facility and the prison in Palau, and the offices of Public Auditor and Special Prosecutor as proposed in the agreement entitled “Agreement Concerning Special Programs related to the Entry into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau” signed on May 26, 1989, shall be available pursuant to the authorization in section 105(c) of Public Law 99–239 (48 U.S.C. 1905(c)) as referenced by section 102(b) of Public Law 99–658 [48 U.S.C. 1932(b)] or from funds appropriated for technical assistance to the Secretary of the Interior.


REFERENCES IN TEXT


The Compact of Free Association as approved by Public Law 99–239, referred to in subsec. (b), is the Compact of Free Association between the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, set out as a note under section 1901 of this title.

The Compact of Free Association for Palau as approved by Public Law 99–658, referred to in subsec. (b), is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out as a note under section 1901 of this title.

Funding to implement the provisions of this part, referred to in subsec. (c), was in the original “this title”, meaning title I of Pub. L. 101–219, Dec. 12, 1989, 103 Stat. 1670, which enacted this part and amended section 1931 of this title.

This part, referred to in subsec. (c), was in the original “this title”, meaning title I of Pub. L. 101–219, Dec. 12, 1989, 103 Stat. 1670, which enacted this part and amended section 1931 of this title.

§ 1960. Modification of energy assistance funding

(a) Fulfillment of United States obligations

The President is authorized to negotiate and conclude an agreement, including the obligation of United States funds, with the Government of Palau which shall provide the following:

(1) The sum of $28,000,000, adjusted by section 215 of the Compact at the time of its availability to Palau, shall be provided to Palau pursuant to section 211(b) of the Compact and upon entry into force of the Compact.

(2) Palau shall pay to the United States, on or before the 15th anniversary of the effective date of the Compact, an amount equal to the net economic cost to the United States of making available the section 211(b) funds in the manner specified in this subsection rather than as provided in section 211(b).

(3) Such economic cost shall reflect the time value of money and be determined using the rate determined for an equivalent loan by the Federal Financing Bank as of the date these funds are advanced, and using an inflation rate consistent with the determinations made under the provisions of section 215 of the Compact.

(4) If the Government of Palau has not paid such net economic costs to the United States...
by the 15th anniversary of the effective date of the Compact, then the United States shall be automatically paid such sums from the fund established under section 211(f) of the Compact.

(5) The provision of section 211(b) funds, as appropriated by Public Law 99–349 and pursuant to this subsection, shall be in fulfillment of all United States obligations under such section 211(b) of the Compact and shall be subject to section 236 of the Compact.

(b) Adjustment and payment

Subject to the provisions of subsection (a) of this section and upon the request of the Government of Palau, the sum of $26 million appropriated by Public Law 99–349 to fulfill the obligations of the United States under section 211(b) of the Compact (approved in Public Law 99–658), adjusted by section 215 of such Compact, shall be provided to Palau upon entry into force of the Compact.

(c) Availability of appropriation account

Funding provided in Public Law 101–121 under the “Trust Territory of the Pacific Islands” appropriation account shall remain available until expended.


REFERENCES IN TEXT

The Compact, referred to in subsections (a) and (b), is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out as a note under section 1931 of this title.

For Oct. 1, 1994, as the date the Compact of Free Association with Palau entered into full force and effect, referred to in subsections (a)(1), (2), (4) and (b), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of this title.

Public Law 99–349, referred to in subsections (a)(5) and (b), is Pub. L. 99–349, July 2, 1986, 100 Stat. 716, as amended. For complete classification of this Act to the Code, see Tables.

Public Law 99–658, set out in the Code as a note under this title.


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

PALAU ROAD MAINTENANCE


(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau [48 U.S.C. 1931 note]; and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.”

§ 1961. Submission of agreements

Any agreement concluded with the Government of Palau pursuant to this joint resolution including the agreement entitled “Agreement Concerning Special Programs related to the Entry into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau” signed on May 26, 1989, and any agreement which would amend, change, or terminate any such agreement, or portion thereof, shall be submitted to the Congress and may not take effect until after 30 days after the date on which such agreement is so submitted. An amendment or agreement substituting or in addition to the subsidiary agreement negotiated under section 212(a) of the Compact or its annex shall take effect only when approved by an Act of Congress.


REFERENCES IN TEXT

This joint resolution, referred to in text, is Pub. L. 101–219, Dec. 12, 1989, 103 Stat. 1870, which enacted this joint resolution among other things, amended sections 1615 and 1933 of this title and section 3791 of Title 42, The Public Health and Welfare, which is classified to section 300p of Title 42, The Public Health and Welfare, and enacted provisions set out as a note under section 1965 of Title 44, Public Printing and Documents. For complete classification of this joint resolution to the Code, see Tables.

The Compact, referred to in text, is the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out as a note under section 1931 of this title.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

§ 1962. Transition funding

For the purposes of applying section 1905(c)(2) of this title to Palau, the terms “fiscal year 1987”, “fiscal year 1988”, and “fiscal year 1989” in section 104(c) of Public Law 99–658 shall be deemed to be the first, second, and third fiscal years, respectively, beginning after the effective date of the Compact.


REFERENCES IN TEXT


For Oct. 1, 1994, as the effective date of the Compact of Free Association with Palau referred to in text, see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of this title.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.
§ 1971. Transfer of surplus personal property owned by United States
(a) Transfer to Northern Mariana Islands, Palau, Marshall Islands, and Federated States of Micronesia

Notwithstanding any other provision of law, subject to valid existing rights, and subject to subsection (b) of this section, all right, title, and interest of the Government of the United States in personal property situated in the Trust Territory of the Pacific Islands and of the government of the Trust Territory of the Pacific Islands in personal property wherever located shall be transferred, without reimbursement, by a date not later than ninety days following termination of the trusteeship agreement governing the administration of the Trust Territory of the Pacific Islands, to the government of the Northern Mariana Islands, Palau, the Marshall Islands, or the Federated States of Micronesia according to a list of distribution established by the High Commissioner of the Trust Territory of the Pacific Islands in consultation with the recipient government.

(b) Declaration that property is surplus

Personal property referred to in subsection (a) of this section shall be transferred upon declaration by the High Commissioner of the Trust Territory of the Pacific Islands that such property is surplus to the needs of the government of the Trust Territory of the Pacific Islands, which declaration shall be approved, if applicable, by the head of the agency of the Government of the United States having administrative responsibility for the property.

(c) Property held in trust

If no government exists in Palau on December 24, 1980, that is capable of receiving title to such property in its own name, the government of the Trust Territory of the Pacific Islands shall hold such property in trust for the prospective government of Palau until such government is established.


§ 1972. Controlled substances in freely associated states
(a) In general

The President is authorized to negotiate agreements which provide—

(1) that the United States shall carry out the provisions of part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) as necessary to provide for the lawful distribution of controlled substances in the freely associated states; and

(2) that a freely associated state which institutes and maintains a voluntary system to report annual estimates of narcotics needs to the International Narcotics Control Board, and which imposes controls on imports of narcotic drugs consistent with the Single Convention on Narcotic Drugs, 1961, shall be eligible for exports of narcotic drugs from the United States in the same manner as a country meeting the requirements of subsection (a) of section 953 of title 21.

(b) Effective date

Agreements concluded pursuant to this section shall become effective pursuant to section 1901(d)(5) of this title or section 1931(d)(5) of this title, as may be applicable. (Pub. L. 101–219, title II, § 201, Dec. 12, 1989, 103 Stat. 1874.)

REFERENCES IN TEXT


Section 933 of title 21, referred to in subsec. (a)(2), was in the original “section 1003 of the Controlled Substances Act”, and was translated as reading “section 1003 of the Controlled Substances Import and Export Act”, meaning section 1003 of title III of Pub. L. 91–513, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

§ 1973. Freely Associated State Air Carrier

(a) In furtherance of the objectives of the Compact of Free Association Act of 1985 (Public Law 99–239) [48 U.S.C. 1901 et seq., 2001 et seq.] and notwithstanding any other provision of law, a Freely Associated State Air Carrier shall not be precluded from providing transportation, between a place in the United States and a place in a state in free association with the United States or between two places in such a freely associated state, by air of persons (and their personal effects) and property procured, contracted for, or otherwise obtained by any executive department or other agency or instrumentality of the United States for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted, or utilized by or otherwise established for the account of the United States, or shall be furnished to or for the account of any foreign nation, or any international agency, or other or-

1 See References in Text note below.
organization of whatever nationality, without provisions for reimbursement.

(b) The term "Freely Associated State Air Carrier" shall apply exclusively to a carrier referred to in Article IX(5)(b) of the Federal Programs and Services Agreement concluded pursuant to Article II of Title Two and Section 232 of the Compact of Free Association.


REFERENCES IN TEXT


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

CHAPTER 19—PACIFIC POLICY REPORTS

Sec.
2002. Reports.

§ 2001. Findings

The Congress finds that—

(1) the United States does not have a clearly defined policy for United States noncontiguous Pacific areas (including the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the State of Hawaii, and the State of Alaska) and for United States-associated noncontiguous Pacific areas (including the Federated States of Micronesia, the Marshall Islands, and Palau);

(2) the Federal Government has often failed to consider the implications for, effects on, and potential of noncontiguous Pacific areas in the formulation and conduct of foreign and domestic policy, to the detriment of both the attainment of the objectives of Federal policy and noncontiguous Pacific areas;

(3) policies and programs designed for the United States as a whole may impose inappropriate standards on noncontiguous Pacific areas because of their unique circumstances and needs; and

(4) the present Federal organizational arrangements for liaison with (and providing assistance to) the insular areas may not be adequate—

(A) to coordinate the delivery of Federal programs and services to noncontiguous Pacific areas;

(B) to provide a consistent basis for administration of programs;

(C) to adapt policy to the special requirements of each area and modify the application of Federal programs, laws, and regulations accordingly;

(D) to be responsive to the Congress in the discharge of its responsibilities; and

(E) to attain the international obligations of the United States.


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

§ 2002. Reports

(a) Submission

Not later than one year after January 14, 1986, and each five years thereafter, the Secretary of the Interior, in consultation with the Secretary of State, shall submit to the Congress and the President a report on United States noncontiguous Pacific areas policy together with such recommendations as may be necessary to accomplish the objectives of such policy.

(b) Contents

The reports required in subsection (a) of this section shall set forth clearly defined policies regarding United States, and United States associated, noncontiguous Pacific areas, including—

(1) the role of and impacts on the noncontiguous Pacific areas in the formulation and conduct of foreign policy;

(2) the applicability of standards contained in Federal laws, regulations, and programs to the noncontiguous Pacific areas and any modifications which may be necessary to achieve the intent of such laws, regulations, and programs consistent with the unique character of the noncontiguous Pacific areas;

(3) the effectiveness of the Federal executive organizational arrangements for—

(A) providing liaison between the Federal Government and the governments of the noncontiguous Pacific areas;

(B) coordinating Federal actions in a manner which recognizes the unique circumstances and needs of the noncontiguous Pacific areas; and

(C) achieving the objective of Federal policy and ensuring that the Congress receives the information necessary to discharge its responsibilities; and

(4) actions which may be needed to facilitate the economic and social health and development of the noncontiguous Pacific areas, consistent with their self-determined objectives.


CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to the requirement to submit a report to Congress every five years, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 14th item on page 112 of House Document No. 103–7.
§ 2003. Conference

(a) Meeting
Prior to submitting the reports required under section 2002(b) of this title, the Secretary of the Interior, in consultation with the Secretary of State, shall convene a conference to obtain the views of the noncontiguous Pacific areas on the matters required to be addressed in such reports.

(b) Participants
Representatives of each of the noncontiguous Pacific areas; and the heads of all executive departments and agencies, and other public and private organizations concerned with the noncontiguous Pacific areas as requested by the Secretary of the Interior shall be entitled to be participants in the conference.

(c) Written comments
The Secretary of the Interior shall afford participants in the conference an opportunity to submit written comments for inclusion in the reports required under section 2002 of this title.


CODIFICATION
Section was formerly set out as a note under section 1681 of this title.

§ 2004. Administrative matters

(a) Administrative support
The Secretary of the Interior shall provide all necessary administrative support to accomplish the requirements of sections 2002 and 2003 of this title.

(b) Authorization of appropriations
There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.


CODIFICATION
Section was formerly set out as a note under section 1681 of this title.