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(Original Signature of Member)

TH
CONGRESS
SESSION

H. R.

To enact certain laws relating to Territories and Insular Possessions as title 48, United States Code, "Territories and Insular Possessions".

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enact certain laws relating to Territories and Insular Possessions as title 48, United States Code, "Territories and Insular Possessions".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of title 48, United States Code.
- Sec. 4. Conforming amendments.
- Sec. 5. Transitional and savings provisions.
- Sec. 6. Repeals.

1 **SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.**

2 (a) PURPOSE.—The purpose of this Act is to enact
3 a restatement of certain existing law relating to territories
4 and insular possessions as a positive law title of the United
5 States Code.

6 (b) RESTATEMENT DOES NOT CHANGE MEANING OR
7 EFFECT OF EXISTING LAW.—

8 (1) IN GENERAL.—The restatement of existing
9 law enacted by this Act does not change the mean-
10 ing or effect of the existing law. The restatement
11 consolidates various provisions that were enacted
12 separately over a period of many years, reorganizing
13 them, conforming style and terminology, modern-
14 izing obsolete language, and correcting drafting er-
15 rors. These changes serve to remove ambiguities,
16 contradictions, and other imperfections, but they do
17 not change the meaning or effect of the existing law
18 or impair the precedential value of earlier judicial
19 decisions or other interpretations.

20 (2) RULE OF CONSTRUCTION.—

21 (A) IN GENERAL.—Notwithstanding the
22 plain meaning rule or other rules of statutory
23 construction, a change in wording made in the
24 restatement of existing law enacted by this Act
25 serves to clarify the existing law as indicated in

1 paragraph (1), but not to change the meaning
2 or effect of the existing law.

3 (B) REVISION NOTES.—Subparagraph (A)
4 applies whether or not a change in wording is
5 explained by a revision note appearing in a con-
6 gressional report accompanying this Act. If
7 such a revision note does appear, a court shall
8 consider the revision note in interpreting the
9 change.

10 **SEC. 3. ENACTMENT OF TITLE 48, UNITED STATES CODE.**

11 Title 48, United States Code, “Territories and Insu-
12 lar Possessions”, is enacted as follows:

13 **TITLE 48—TERRITORIES AND**
14 **INSULAR POSSESSIONS**

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1 **Subtitle I—General Provisions**

2 **Chapter 101—Land**

Subchapter I—Ownership of Land

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- 10101. Land in a territory.
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- 10105. Escheat of improperly held land.
- 10106. Condemnation and sale of land in escheat proceedings.
- 10107. Public land.
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- 10122. Reserved rights.
- 10123. Payment of rents, royalties, and fees to local government.

10124. Discrimination prohibited in rights of access to, and benefits from, conveyed land.

1 **Subchapter I—Ownership of Land**

2 **§ 10101. Land in a territory**

3 An alien or individual who is not a citizen of the
4 United States, or who has not declared an intention to
5 become a citizen of the United States in the manner pro-
6 vided by law shall not acquire title to or own land in the
7 territories of the United States except as provided in this
8 subchapter. The prohibition of this section shall not apply
9 to a case in which the right to hold or dispose of land
10 in the United States is secured by an existing treaty to
11 citizens or subjects of a foreign country. That right, so
12 far as it may exist by force of an existing treaty, shall
13 continue to exist so long as that treaty is in force, and
14 no longer.

15 **§ 10102. When citizenship requirement not applicable**

16 (a) PREVIOUSLY OWNED LAND.—This subchapter
17 shall not apply to land owned in the territories of the
18 United States by an alien, which was acquired on or before
19 March 3, 1887, so long as it is held by the then owner,
20 or that owner's heirs or legal representatives.

21 (b) BONA FIDE RESIDENTS OF THE UNITED
22 STATES.—

23 (1) IN GENERAL.—This subchapter shall not
24 apply to an alien who becomes a bona fide resident

1 of the United States. An alien who becomes a bona
2 fide resident of the United States, or who has de-
3 clared an intention to become a citizen of the United
4 States in the manner provided by law, shall have the
5 right to acquire and hold land in the territories of
6 the United States upon the same terms as a citizen
7 of the United States.

8 (2) ALIEN CEASES TO BE A BONA FIDE RESI-
9 DENT.—If an alien who became a bona fide resident
10 of the United States ceases to be a bona fide resi-
11 dent of the United States, then the alien shall have
12 10 years from the time the alien ceases to be a bona
13 fide resident in which to alienate the land.

14 (c) EXCEPTED TYPES OF LAND.—This subchapter
15 shall not be construed to prevent a person who is not a
16 citizen of the United States from acquiring or holding lots
17 or parcels of land in an incorporated or platted city, town,
18 or village, or in a mine or mining claim, in the territories
19 of the United States.

20 **§ 10103. Permissible acquisition of land**

21 (a) IN GENERAL.—This subchapter shall not prevent
22 an alien from—

23 (1) acquiring land or an interest in land—

24 (A) by inheritance; or

1 (B) in the ordinary course of justice in the
2 collection of debts;

3 (2) acquiring a lien on real estate or an interest
4 in real estate;

5 (3) lending money and securing the loan with
6 real estate or an interest in real estate;

7 (4) enforcing a lien on real estate; or

8 (5) acquiring and holding title to real estate, or
9 an interest in real estate, on which—

10 (A) a lien is fixed; or

11 (B) a loan of money is made and secured.

12 (b) SALE NOT LATER THAN 10 YEARS.—Land ac-
13 quired as described in subsection (a) shall be sold not later
14 than 10 years after title is perfected in the alien, or the
15 land shall escheat to the United States and be forfeited
16 as provided in sections 10104 through 10107 of this title.

17 **§ 10104. Permissible conveyance of land**

18 An alien who holds land in the territories of the
19 United States in contravention of the provisions of this
20 subchapter may nevertheless convey the alien's title before
21 the institution of escheat proceedings as provided in sec-
22 tions 10104 through 10107 of this title. If the conveyance
23 is made, either to an alien or to a citizen of the United
24 States, in trust and for the purpose and with the intention
25 of evading the provisions of this subchapter, the convey-

1 ance shall be null and void, and land conveyed shall be
2 forfeited and escheat to the United States.

3 **§ 10105. Escheat of improperly held land**

4 (a) ATTORNEY GENERAL TO BRING SUIT.—When
5 the Attorney General is informed or has reason to believe
6 that land in the territories of the United States is being
7 held contrary to the provisions of this subchapter, it shall
8 be the duty of the Attorney General of the United States
9 to institute or cause to be instituted suit on behalf of the
10 United States in the district court of the territory in the
11 district where the land or a part of the land is situated,
12 praying for the escheat of the land on behalf of the United
13 States to the United States.

14 (b) NOTICE REQUIRED.—Before a suit under sub-
15 section (a) is instituted, the Attorney General shall give
16 or cause to be given 90 days' notice by registered letter
17 of the Attorney General's intention to sue, or by personal
18 notice directed to or delivered to the owner of the land,
19 or the person who last rendered the land for taxation, or
20 the owner's agent, and to all other persons having an in-
21 terest in the land of which the Attorney General may have
22 actual or constructive notice.

23 (c) NOTICE BY PUBLICATION.—In the event personal
24 notice cannot be obtained in 1 of the modes provided, then
25 notice shall be given by publication in a newspaper pub-

1 lished in the county where the land is situated, and if no
2 newspaper is published in that county, then the notice
3 shall be published in a newspaper nearest that county.

4 **§10106. Condemnation and sale of land in escheat**
5 **proceedings**

6 (a) TRIAL AND JUDGMENT.—If it is determined upon
7 the trial of the escheat proceedings that the land is held
8 contrary to the provisions of this subchapter, the court
9 trying the cause shall render judgment condemning the
10 land and shall order the land to be sold as under execu-
11 tion.

12 (b) PROCEEDS OF SALE.—The proceeds of the sale,
13 after deducting costs of the suit, shall be paid to the clerk
14 of the court rendering judgment, and the fund shall re-
15 main in the hands of the clerk for 1 year from the date
16 of the payment, subject to the order of the alien owner
17 of the land, or the alien's heirs or legal representatives.
18 If not claimed within the period of 1 year, the clerk shall
19 pay the funds into the treasury of the territory in which
20 the land is situated, for the benefit of the available school
21 fund of that territory.

22 (c) DEFENSES.—The defendant in the escheat pro-
23 ceedings may, before final judgment, suggest and show to
24 the court that the defendant has conformed with the law,
25 either becoming a bona fide resident of the United States,

1 or by declaring an intention of becoming a citizen of the
2 United States, or by another act which, under the provi-
3 sions of this subchapter, would entitle the defendant to
4 hold or own real estate, which being admitted or proved,
5 the suit shall be dismissed on payment of costs and a rea-
6 sonable attorney fee to be fixed by the court.

7 **§ 10107. Public land**

8 This subchapter shall not be construed to authorize
9 an alien to acquire title from the United States to the pub-
10 lic land of the United States or to affect or change the
11 laws regulating the disposal of the public land of the
12 United States.

13 **§ 10108. Application to the District of Columbia**

14 Aliens shall have the same rights and privileges con-
15 cerning the acquisition, holding, owning, and disposition
16 of real estate in the District of Columbia as are conferred
17 upon them in respect of real estate in the territories of
18 the United States.

19 **Subchapter II—Conveyance of**
20 **Submerged Land**

21 **§ 10121. Tideland, submerged land, or filled land**

22 (a) CONVEYANCE.—Effective on the date specified in
23 subsection (f), and subject to valid existing rights on that
24 date, all right, title, and interest of the United States in
25 land permanently or periodically covered by tidal water up

1 to but not above the line of mean high tide and seaward
2 to a line 3 geographical miles distant from the coastlines
3 of the territories of Guam, American Samoa, the Virgin
4 Islands, and the Northern Mariana Islands, as modified
5 by accretion, erosion, and reliction, and in artificially
6 made, filled in, or reclaimed land which was formerly per-
7 manently or periodically covered by tidal water, are con-
8 veyed to the governments of Guam, American Samoa, the
9 Virgin Islands, and the Northern Mariana Islands, as the
10 case may be, to be administered in trust for the benefit
11 of the people of those territories, respectively.

12 (b) RETENTION OF CERTAIN LAND AND MINERAL
13 RIGHTS BY UNITED STATES.—The following are excepted
14 from the transfer made by subsection (a):

15 (1) All deposits of oil, gas, and other minerals,
16 but the term “minerals” shall not include coral,
17 sand, and gravel.

18 (2) All submerged land adjacent to property
19 owned by the United States above the line of mean
20 high tide.

21 (3) All submerged land adjacent to property
22 above the line of mean high tide acquired by the
23 United States by eminent domain proceedings, pur-
24 chase, exchange, or gift, after the date specified in
25 subsection (f), as required for completion of the De-

1 partment of the Navy Land Acquisition Project rel-
2 ative to the construction of the Ammunition Pier au-
3 thorized by the Military Construction Authorization
4 Act, 1971 (Public Law 91–511, titles I–VI, 84 Stat.
5 1204), as amended by section 201 of the Military
6 Construction Authorization Act, 1973 (Public Law
7 92–545, titles I–VII, 86 Stat. 1135).

8 (4) All submerged land filled in, built up, or
9 otherwise reclaimed by the United States before the
10 date specified in subsection (f) for its own use.

11 (5) All tracts or parcels of submerged land con-
12 taining on any part of those tracts or parcels any
13 structures or improvements constructed by the
14 United States.

15 (6) All submerged land that has, before the
16 date specified in subsection (f), been determined by
17 the President or Congress to be of such scientific,
18 scenic, or historic character as to warrant preserva-
19 tion and administration under the provisions of the
20 National Park Service Organic Act.

21 (7) All submerged land designated by the Presi-
22 dent not later than 120 days after the date specified
23 in subsection (f).

24 (8) All submerged land that is within the ad-
25 ministrative responsibility of an agency or depart-

1 ment of the United States other than the Depart-
2 ment of the Interior.

3 (9) All submerged land lawfully acquired by
4 persons other than the United States through pur-
5 chase, gift, exchange, or otherwise.

6 (10) All submerged land within the Virgin Is-
7 lands National Park established by the Act of Au-
8 gust 2, 1956 (16 U.S.C. 398 et seq.), including the
9 land described in Public Law 87-750 (16 U.S.C.
10 398e et seq.).

11 (11) All submerged land within the Buck Island
12 Reef National Monument as described in Presi-
13 dential Proclamation 3443, dated December 28,
14 1961 (76 Stat. 1441).

15 (c) AUTHORIZATION FOR CONVEYANCE OF ADDI-
16 TIONAL LANDS.—Upon request of the Governor of Guam,
17 American Samoa, the Virgin Islands, or the Northern
18 Mariana Islands, the Secretary of the Interior may, with
19 or without reimbursement, and subject to the procedure
20 specified in subsection (d), convey all right, title, and in-
21 terest of the United States in the land described in para-
22 graphs (2), (3), (4), (5), (6), (7), or (8) of subsection (b)
23 to the government of Guam, American Samoa, the Virgin
24 Islands, or the Northern Mariana Islands, as the case may

1 be, with the concurrence of the agency having custody of
2 the land to be conveyed.

3 (d) SUBMISSION OF PROPOSAL FOR CONVEYANCE OF
4 RETAINED LAND OR RIGHTS.—A conveyance shall not be
5 made by the Secretary of the Interior pursuant to sub-
6 sections (a) through (c) until the expiration of 60 calendar
7 days (excluding days on which the House of Representa-
8 tives or the Senate is not in session because of an adjourn-
9 ment of more than 3 days to a day certain) from the date
10 on which the Secretary of the Interior submits to the Com-
11 mittee on Natural Resources of the House of Representa-
12 tives and the Committee on Energy and Natural Re-
13 sources of the Senate an explanatory statement indicating
14 the tract proposed to be conveyed and the need for the
15 conveyance, unless prior to the expiration of the 60 cal-
16 endar days both committees inform the Secretary of the
17 Interior that they wish to take no action with respect to
18 the proposed conveyance.

19 (e) OIL, GAS, AND OTHER MINERAL DEPOSITS IN
20 SUBMERGED LANDS.—

21 (1) CONVEYANCE.—The Secretary of the Inte-
22 rior shall convey to the governments of Guam,
23 American Samoa, the Virgin Islands, and the North-
24 ern Mariana Islands, as the case may be, all right,
25 title, and interest of the United States in deposits of

1 oil, gas, and other minerals in the submerged lands
2 conveyed to the government of that territory by sub-
3 section (a).

4 (2) EXISTING LEASES, PERMITS, AND OTHER
5 INTERESTS.—The conveyance of mineral deposits
6 under paragraph (1) shall be subject to any existing
7 lease, permit, or other interest granted by the
8 United States prior to the date of the conveyance.
9 All rentals, royalties, or fees that accrue after the
10 date of conveyance in connection with the lease, per-
11 mit, or other interest shall be payable to the govern-
12 ment of the territory to which the mineral deposits
13 are conveyed.

14 (f) DATE SPECIFIED.—The date specified in this sub-
15 section is—

16 (1) October 5, 1974, with respect to Guam,
17 American Samoa, and the Virgin Islands; and

18 (2) September 18, 2013, with respect to the
19 Northern Mariana Islands.

20 **§ 10122. Reserved rights**

21 (a) ESTABLISHMENT OF NAVAL DEFENSE SEA
22 AREAS AND AIRSPACE RESERVATIONS.—Nothing in this
23 subchapter shall affect the right of the President to estab-
24 lish naval defensive sea areas and naval airspace reserva-
25 tions around and over the islands of Guam, American

1 Samoa, the Virgin Islands, and the Northern Mariana Is-
2 lands when deemed necessary for national defense.

3 (b) NAVIGATION; FLOOD CONTROL; POWER PRODUC-
4 TION.—This subchapter shall not—

5 (1) affect the use, development, improvement,
6 or control by or under the constitutional authority of
7 the United States of the land transferred by section
8 10121 of this title, and the navigable water overlying
9 that land, for the purposes of navigation or flood
10 control or the production of power; or

11 (2) be construed as the release or relinquish-
12 ment of rights of the United States arising under
13 the constitutional authority of Congress to—

14 (A) regulate or improve navigation;

15 (B) provide for flood control; or

16 (C) provide for the production of power.

17 (c) NAVIGATIONAL SERVITUDE AND POWERS OF
18 REGULATION.—The United States retains all of its navi-
19 gational servitude and rights in and powers of regulation
20 and control of the land conveyed by section 10121 of this
21 title, and the navigable water overlying that land, for the
22 constitutional purposes of commerce, navigation, national
23 defense, and international affairs, all of which shall be
24 paramount to, but shall not be deemed to include, propri-
25 etary rights of ownership, or the rights of management,

1 administration, leasing, use, and development of the land
2 and natural resources which are specifically conveyed to
3 the government of Guam, American Samoa, the Virgin Is-
4 lands, or the Northern Mariana Islands, as the case may
5 be, by section 10121 of this title.

6 (d) STATUS OF LAND BEYOND THE 3-MILE LIMIT.—
7 Nothing in this subchapter shall affect the status of land
8 beyond the 3-mile limit described in section 10121 of this
9 title.

10 **§ 10123. Payment of rents, royalties, and fees to local**
11 **government**

12 All rents, royalties, or fees from leases, permits, or
13 use rights issued prior to October 5, 1974, with respect
14 to the land conveyed by this subchapter or by subsections
15 (b) and (c) of section 50707 of this title and rights of
16 action for damages for trespass occupancies of that land
17 shall accrue and belong to the appropriate local govern-
18 ment under whose jurisdiction the land is located.

19 **§ 10124. Discrimination prohibited in rights of access**
20 **to, and benefits from, conveyed land**

21 An individual shall not be denied access to, or bene-
22 fits accruing from, the land conveyed by this subchapter,
23 or the first sentence of section 31(b)(1) of the Revised
24 Organic Act of the Virgin Islands (ch. 558, 68 Stat. 510),
25 as amended by section 3 of Public Law 93–435 (88 Stat.

1 1211) and section 401(a) of Public Law 96–205 (94 Stat.
2 88), on the basis of race, religion, creed, color, sex, na-
3 tional origin, or ancestry. This section shall not be con-
4 strued in derogation of the provisions of the April 10,
5 1900, cession of Tutuila and Aunuu or the July 16, 1904,
6 cession of the Manua Islands, as ratified by the Act of
7 February 20, 1929 (ch. 281, 45 Stat. 1253), as amended
8 by the Act of May 22, 1929 (ch. 6, 46 Stat. 3).

9 **Chapter 103—Guano Islands**

Sec.

10301. Definition of island.

10302. Claim by the United States.

10303. Notice of discovery of guano and evidence.

10304. Completion of proof on death of discoverer.

10305. Exclusive privileges of discoverer.

10306. Restrictions on exportation.

10307. Regulation of trade.

10308. Criminal jurisdiction.

10309. Employment of land and naval forces to protect rights.

10310. Right to abandon islands.

10 **§ 10301. Definition of island**

11 In this chapter, the term “island” means an island,
12 rock, or key.

13 **§ 10302. Claim by the United States**

14 Whenever a citizen of the United States discovers a
15 deposit of guano on an island that is not within the lawful
16 jurisdiction of another government and is not occupied by
17 citizens of another government, and the discoverer takes
18 peaceable possession of the island and occupies it, that is-
19 land may, at the discretion of the President, be considered
20 as appertaining to the United States.

1 **§ 10303. Notice of discovery of guano and evidence**

2 (a) NOTICE OF DISCOVERY.—The discoverer shall, as
3 soon as practicable, give notice, verified by affidavit, to
4 the Department of State, of the discovery, occupation, and
5 possession. The notice shall describe the island and its
6 latitude and longitude, as near as possible, and show that
7 the possession was taken in the name of the United States.

8 (b) EVIDENCE REQUIRED.—The discoverer shall fur-
9 nish satisfactory evidence to the Department of State that
10 the island was not, at the time of the discovery or the
11 taking possession of and occupation by the claimant, in
12 the possession or occupation of another government or of
13 the citizens of another government, before the island shall
14 be considered as appertaining to the United States.

15 **§ 10304. Completion of proof on death of discoverer**

16 If the discoverer dies before perfecting proof of dis-
17 covery or fully complying with the provisions of section
18 10303 of this title, the discoverer's surviving spouse, heir,
19 executor, or administrator shall be entitled to the benefits
20 of the discovery upon complying with the provisions of this
21 chapter.

22 **§ 10305. Exclusive privileges of discoverer**

23 Congress may allow the discoverer, or the discoverer's
24 assigns, being citizens of the United States, the exclusive
25 right of occupying an island described in section 10302
26 of this title for the purpose of obtaining guano, and of

1 selling and delivering it to citizens of the United States,
2 to be used in the United States. The discoverer or the
3 discoverer's assigns may be allowed to charge and receive
4 for every ton of guano delivered alongside a vessel, in
5 proper tubs, within reach of ship's tackle, a sum not ex-
6 ceeding \$8 per ton for the best quality, or \$4 for every
7 ton taken while in its native place of deposit.

8 **§ 10306. Restrictions on exportation**

9 Guano shall not be taken from an island described
10 in section 10302 of this title except for the use of the citi-
11 zens of the United States or persons residing in the United
12 States. The discoverer, or the discoverer's surviving
13 spouse, heir, executor, administrator, or assigns, shall
14 enter into bond, in penalty and with sureties as may be
15 required by the President, to deliver the guano to citizens
16 of the United States, for the purpose of being used there,
17 and to no others, and at the price prescribed, and to pro-
18 vide all necessary facilities for that purpose within a time
19 to be fixed in the bond. A breach of a bond provision shall
20 be deemed a forfeiture of all rights accruing under this
21 chapter.

22 **§ 10307. Regulation of trade**

23 The introduction of guano from an island described
24 in section 10302 of this title shall be regulated as in the
25 coasting trade between different parts of the United

1 States, and the same laws shall govern the vessels con-
2 cerned.

3 **§ 10308. Criminal jurisdiction**

4 An act, offense, or crime committed on an island de-
5 scribed in section 10302 of this title, or in the waters adja-
6 cent to the island—

7 (1) shall be deemed to have been committed on
8 the high seas, on board a merchant ship or vessel
9 belonging to the United States; and

10 (2) shall be punished according to the laws of
11 the United States relating to ships or vessels and of-
12 fenses on the high seas, and those laws are, for pur-
13 poses of this section, extended over an island de-
14 scribed in section 10302 of this title and the waters
15 adjacent to the island.

16 **§ 10309. Employment of land and naval forces to pro-**
17 **tect rights**

18 The President may employ the land and naval forces
19 of the United States to protect the rights of the discoverer
20 or the discoverer's surviving spouse, heir, executor, admin-
21 istrator, or assigns.

22 **§ 10310. Right to abandon islands**

23 This chapter shall not be construed as obliging the
24 United States to retain possession of an island described

1 in section 10302 of this title after the guano is removed
2 from the island.

3 **Chapter 105—Aid and Assistance**

Sec.

10501. Policy respecting insular areas.

10502. Adjustment or modification by Administrator of Environmental Protec-
tion Agency.

10503. Availability of services, facilities, and equipment of agencies and instru-
mentalities of the United States.

10504. General technical assistance.

10505. Full amounts to be deposited into treasuries.

10506. Insular government purchases.

10507. Auditing of transactions of territorial and local governments.

4 **§ 10501. Policy respecting insular areas**

5 (a) DEFINITION OF INSULAR AREA.—In this section,
6 the term “Insular Area” means Guam, American Samoa,
7 the Virgin Islands, the Northern Mariana Islands, or the
8 Trust Territory of the Pacific Islands.

9 (b) DECLARATION OF POLICY.—In order to minimize
10 the burden caused by existing application and reporting
11 procedures for certain grant-in-aid programs available to
12 an Insular Area, the policy of Congress, notwithstanding
13 any provision of law to the contrary, is declared to be the
14 following:

15 (1) CONSOLIDATION OF GRANTS.—A depart-
16 ment or agency of the Government of the United
17 States that administers an Act that specifically pro-
18 vides for making grants to an Insular Area under
19 which payments received may be used by the Insular
20 Area only for certain specified purposes (other than

1 direct payments to classes of individuals) may, act-
2 ing through appropriate administrative authorities of
3 the department or agency, consolidate any or all
4 grants made to the Insular Area for any fiscal year
5 or years.

6 (2) MINIMUM.—A consolidated grant for an In-
7 sular Area shall not be less than the sum of all
8 grants which the area would otherwise be entitled to
9 receive for the year.

10 (3) USE AND ALLOCATION.—

11 (A) USE.—Funds received under a consoli-
12 dated grant under this section shall be ex-
13 pended in furtherance of programs and pur-
14 poses that—

15 (i) are authorized for any of the
16 grants being consolidated;

17 (ii) are authorized under any of the
18 Acts administered by the department or
19 agency making the grant; and

20 (iii) would be applicable to grants for
21 those programs and purposes in the ab-
22 sence of the consolidation.

23 (B) ALLOCATION.—For funds received
24 under a consolidated grant under this section,
25 the Insular Area shall determine the proportion

1 of funds allocated to the programs and pur-
2 poses.

3 (4) APPLICATIONS AND REPORTS.—

4 (A) IN GENERAL.—Each department or
5 agency making grants-in-aid shall, by regula-
6 tions published in the Federal Register, provide
7 the method by which an Insular Area may sub-
8 mit—

9 (i) a single application for a consoli-
10 dated grant for any fiscal year period, but
11 not more than 1 application for a consoli-
12 dated grant shall be required by a depart-
13 ment or agency unless notice of the re-
14 quirement is transmitted to the appro-
15 priate committees of Congress together
16 with a complete explanation of the neces-
17 sity for requiring additional applications;
18 and

19 (ii) a single report to the department
20 or agency with respect to each consolidated
21 grant described in clause (i).

22 (B) PROCEDURES FOR REVIEW.—This
23 paragraph shall not preclude a department or
24 agency from providing adequate procedures for
25 accounting, auditing, evaluating, and reviewing

1 programs or activities receiving benefits from a
2 consolidated grant.

3 (c) WAIVERS.—

4 (1) IN GENERAL.—The administering authority
5 of any department or agency, except for the Depart-
6 ment of the Interior, may—

7 (A) waive any requirement for matching
8 funds otherwise required by law to be provided
9 by the Insular Area involved; and

10 (B) waive the requirement that any Insular
11 Area submit an application or report in writing
12 with respect to any consolidated grant.

13 (2) DEPARTMENT OF THE INTERIOR.—The ad-
14 ministering authority of the Department of the Inte-
15 rior shall—

16 (A) waive any requirement for matching
17 funds otherwise required by law to be provided
18 by the Insular Area involved; and

19 (B) waive the requirement that any Insular
20 Area submit an application or report in writing
21 with respect to any consolidated grant.

22 (3) LOCAL MATCHING FUNDS.—Notwith-
23 standing any other provision of law, in the case of
24 Guam, American Samoa, the Virgin Islands, and the
25 Northern Mariana Islands, any department or agen-

1 cy shall waive any requirement for local matching
2 funds under \$200,000 (including in-kind contribu-
3 tions) required by law to be provided by Guam,
4 American Samoa, the Virgin Islands, or the North-
5 ern Mariana Islands.

6 **§ 10502. Adjustment or modification by Administrator**
7 **of Environmental Protection Agency**

8 In awarding assistance grants, consolidated under
9 section 10501 of this title, to Guam, American Samoa,
10 the Virgin Islands, the Northern Mariana Islands, or the
11 Trust Territory of the Pacific Islands, the Administrator
12 of the Environmental Protection Agency may adjust or
13 otherwise modify maintenance or level of effort require-
14 ments.

15 **§ 10503. Availability of services, facilities, and equip-**
16 **ment of agencies and instrumentalities of**
17 **the United States**

18 To the extent practicable, services, facilities, and
19 equipment of agencies and instrumentalities of the United
20 States Government may be made available, on a reimburs-
21 able basis, to the governments of the territories (including
22 possessions) of the United States and the Trust Territory
23 of the Pacific Islands. Reimbursements may be credited
24 to the appropriation or fund of the agency or instrumen-
25 tality through which the services, facilities, and equipment

1 are provided. If authorized by law, the services, facilities,
2 and equipment may be made available without reimburse-
3 ment.

4 **§ 10504. General technical assistance**

5 (a) ASSISTANCE WITH MATTERS GENERALLY WITH-
6 IN RESPONSIBILITY OF GOVERNMENTS.—The Secretary
7 of the Interior may extend to the governments of Guam,
8 American Samoa, the Virgin Islands, the Northern Mar-
9 iana Islands, and the Trust Territory of the Pacific Is-
10 lands, and their agencies and instrumentalities, with or
11 without reimbursement, technical assistance on subjects
12 within the responsibility of the respective territorial gov-
13 ernments. Assistance may be provided by the Secretary
14 of the Interior through members of the Secretary of the
15 Interior's staff, reimbursements to other departments or
16 agencies of the Federal Government under sections 1535
17 and 1536 of title 31, grants to or cooperative agreements
18 with those governments, agreements with Federal agencies
19 or agencies of State or local governments, or the employ-
20 ment of private individuals, partnerships, or corporations.
21 Technical assistance may include research, planning as-
22 sistance, studies, and demonstration projects.

23 (b) ASSISTANCE FOR PEOPLES OF ENEWETAK
24 ATOLL AND BIKINI ATOLL.—

1 (1) IN GENERAL.—For the peoples from
2 Enewetak Atoll and Bikini Atoll, until those areas
3 produce sufficient food to fully sustain the residents
4 after resettlement, the Secretary of the Interior may,
5 as the Secretary of the Interior considers necessary
6 and appropriate, provide technical assistance includ-
7 ing—

8 (A) maintaining agricultural plantings and
9 physical facilities;

10 (B) purchasing food and equipment; and

11 (C) transporting food, equipment and per-
12 sons.

13 (2) CESSATION ONLY WITH APPROVAL OF CON-
14 GRESS.—This subsection shall not cease to be appli-
15 cable without the express approval of Congress.

16 (c) PROGRAMS ADMINISTERED BY DEPARTMENT OF
17 AGRICULTURE.—

18 (1) DEFINITION OF TERRITORY.—In this sub-
19 section, the term “territory” means Guam, American
20 Samoa, the Virgin Islands, the Northern Mariana
21 Islands, and the Trust Territory of the Pacific Is-
22 lands.

23 (2) EXTENSION OF PROGRAMS.—The Secretary
24 of Agriculture may extend a program administered
25 by the Department of Agriculture to a territory.

1 (3) WAIVER OR MODIFICATION OF STATUTORY
2 REQUIREMENT.—Notwithstanding any other provi-
3 sion of law, the Secretary of Agriculture may waive
4 or modify a statutory requirement relating to the
5 provision of assistance under a program adminis-
6 tered by the Department of Agriculture if the Sec-
7 retary of Agriculture considers it necessary in order
8 to adapt the program to the needs of a territory.

9 (4) NOTICE OF EXTENSION.—Not less than 60
10 days prior to extending a program pursuant to this
11 section or waiving or modifying a statutory require-
12 ment pursuant to this subsection, the Secretary of
13 Agriculture shall notify the Committee on Energy
14 and Natural Resources and the Committee on Agri-
15 culture, Nutrition, and Forestry of the Senate and
16 the Committee on Agriculture and the Committee on
17 Natural Resources of the House of Representatives
18 of the proposed action with an explanation of the
19 need for the action and the anticipated benefits to
20 the territory affected.

21 (5) COOPERATION OF GOVERNMENTS.—A pro-
22 gram extended under this section shall be carried
23 out in cooperation with the government of the terri-
24 tory and shall be covered by a memorandum of un-
25 derstanding between the government of the territory

1 and the Department of Agriculture. Sums appro-
2 priated pursuant to this subsection shall be allocated
3 to the agencies of the Department of Agriculture
4 concerned with the administration of programs in
5 the territories.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as may be
8 necessary to carry out the purposes of this section.

9 **§ 10505. Full amounts to be deposited into treasuries**

10 (a) IN GENERAL.—There shall be paid into the treas-
11 uries of Puerto Rico, Guam, the Virgin Islands, and the
12 Northern Mariana Islands the full amounts that are to
13 be deposited into each respective treasury or paid pursu-
14 ant to the provisions specified in subsection (c).

15 (b) PROHIBITION ON REDUCTIONS.—The amounts
16 described in subsection (a) shall not be reduced, notwith-
17 standing Public Law 99–177 (99 Stat. 1037), Public Law
18 99–366 (100 Stat. 773), or any other provision of law.

19 (c) SPECIFIED PROVISIONS.—The provisions speci-
20 fied in this subsection are—

21 (1) sections 11301 through 11304 of this title,
22 chapter 205 of this title, and the Puerto Rican Fed-
23 eral Relations Act (ch. 145, 39 Stat. 951);

24 (2) chapter 231 of this title and the Organic
25 Act of Guam (ch. 512, 64 Stat. 384);

1 (3) chapter 267 of this title and the Revised
2 Organic Act of the Virgin Islands (ch. 171, 39 Stat.
3 1132);

4 (4) subchapter I and part A of subchapter II of
5 chapter 601 of this title and Public Law 94–241 (90
6 Stat. 263); and

7 (5) Public Law 95–348 (92 Stat. 487).

8 **§ 10506. Insular government purchases**

9 The governments of Puerto Rico, Guam, American
10 Samoa, the Virgin Islands, and the Northern Mariana Is-
11 lands may make purchases through the General Services
12 Administration.

13 **§ 10507. Auditing of transactions of territorial and** 14 **local governments**

15 All financial transactions of the territorial and local
16 governments provided for in the Department of the Inte-
17 rior, Environment, and Related Agencies Appropriations
18 Act, 2023 (Public Law 117–328, div. G, title I, 136 Stat.
19 4760), including the transactions of all agencies or instru-
20 mentalities established or used by the territorial and local
21 governments, may be audited by the Government Account-
22 ability Office, at its discretion, in accordance with chapter
23 35 of title 31.

24 **Chapter 107—Drug Enforcement**

Subchapter I—General Provisions

Sec.

10701. Purposes.

10702. Annual reports to Congress.

Subchapter II—Puerto Rico

10711. Grants.

10712. Aerostat.

10713. Equipment.

10714. Training and technical assistance.

Subchapter III —Guam

10721. Training and technical assistance.

10722. Grants.

10723. Drug Enforcement Administration personnel assignments.

Subchapter IV—American Samoa

10731. Law enforcement officers.

10732. Training and technical assistance.

10733. Grants.

10734. Vessel.

Subchapter V—Virgin Islands

10741. Grants.

10742. Vessel.

10743. Training and technical assistance.

10744. Personnel.

10745. Drug Enforcement Administration personnel assignments.

Subchapter VI—Northern Mariana Islands

10761. Law enforcement officers.

10762. Training and technical assistance.

10763. Grants.

10764. Personnel.

1 **Subchapter I—General Provisions**

2 **§ 10701. Purposes**

3 The purposes of this chapter are—

4 (1) to improve enforcement of drug laws and
5 enhance interdiction of illicit drug shipments in the
6 Caribbean and Pacific territories and common-
7 wealths of the United States and successor govern-
8 ments of the Trust Territory of the Pacific Islands;
9 and

10 (2) to assist public and private sector drug
11 abuse and other substance abuse prevention and

1 treatment programs in United States associated in-
2 sular areas.

3 **§ 10702. Annual reports to Congress**

4 (a) IN GENERAL.—The President shall report annu-
5 ally to Congress as to—

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

14 (2) the efforts and success of Federal agencies
15 in preventing the illegal entry from other nations, in-
16 cluding states freely associated with the United
17 States, of controlled substances into the United
18 States territories, the Trust Territory of the Pacific
19 Islands, and the commonwealths for use in the terri-
20 tories, the Trust Territory of the Pacific Islands,
21 and commonwealths or for transshipment to the
22 United States and the nature and extent of such ille-
23 gal entry and use.

24 (b) TRANSMISSION DATE.—The annual reports re-
25 quired by subsection (a) shall be transmitted to the Com-

1 mittee on Energy and Natural Resources of the Senate
2 and to the Committee on Natural Resources of the House
3 of Representatives not later than the 1st day of October
4 each year.

5 **Subchapter II—Puerto Rico**

6 **§ 10711. Grants**

7 The amount of \$2,000,000 is authorized to be appro-
8 priated annually for grants to the government of Puerto
9 Rico to carry out the purposes of this chapter to be ex-
10 pended in accordance with a plan approved by the execu-
11 tive director of the White House Task Force on Puerto
12 Rico in consultation with the Attorney General and the
13 Secretaries of Education and Health and Human Services,
14 to remain available until expended.

15 **§ 10712. Aerostat**

16 U.S. Customs and Border Protection should station
17 an aerostat in Puerto Rico.

18 **§ 10713. Equipment**

19 Equipment provided to the government of Puerto
20 Rico under section 10711 of this title shall be made avail-
21 able upon request to the Federal agencies involved in drug
22 interdiction in Puerto Rico.

23 **§ 10714. Training and technical assistance**

24 (a) TRAINING AND ASSISTANCE.—The Attorney Gen-
25 eral and the Secretaries of Education and Health and

1 Human Services may provide and, upon request of the
2 government of Puerto Rico, shall provide appropriate
3 training, technical assistance, and equipment to the gov-
4 ernment of Puerto Rico to carry out the purposes of this
5 chapter and other Federal or commonwealth drug or other
6 substance abuse laws.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as may be
9 necessary to carry out subsection (a). Funds appropriated
10 under this subsection shall remain available until ex-
11 pended.

12 **Subchapter III—Guam**

13 **§ 10721. Training and technical assistance**

14 The Attorney General and the Secretaries of Edu-
15 cation and Health and Human Services may provide and,
16 upon request of the government of Guam, shall provide
17 appropriate training, technical assistance, and equipment
18 to the government of Guam to carry out the purposes of
19 this chapter and other Federal or territorial drug or other
20 substance abuse laws.

21 **§ 10722. Grants**

22 The amount of \$500,000 is authorized to be appro-
23 priated annually for grants to the government of Guam,
24 to be expended in accordance with a plan approved by the
25 Secretary of the Interior in consultation with the Attorney

1 General and the Secretaries of Education and Health and
2 Human Services to carry out the purposes of this chapter,
3 to remain available until expended.

4 **§ 10723. Drug Enforcement Administration personnel**
5 **assignments**

6 To assist in the enforcement of the controlled sub-
7 stances laws of the United States in coordination with law
8 enforcement officers in insular areas in the eastern Carib-
9 bean and in the central and western Pacific, the Adminis-
10 trator of the Drug Enforcement Administration shall as-
11 sign appropriate personnel and other resources to Guam.

12 **Subchapter IV—American Samoa**

13 **§ 10731. Law enforcement officers**

14 With the approval of the Attorney General or the At-
15 torney General's designee, law enforcement officers of the
16 government of American Samoa may—

17 (1) execute and serve warrants, subpoenas, and
18 summons issued under the authority of the United
19 States;

20 (2) make arrests without warrant; and

21 (3) make seizures of property to carry out the
22 purposes of this chapter, the Controlled Substances
23 Import and Export Act (21 U.S.C. 951 et seq.), and
24 other narcotics laws of the United States.

1 **§ 10732. Training and technical assistance**

2 The Attorney General and the Secretaries of Edu-
3 cation and Health and Human Services may and, upon
4 request of the government of American Samoa, shall—

5 (1) train law enforcement officers and other
6 personnel of the government of American Samoa;
7 and

8 (2) provide, by purchase or lease, law enforce-
9 ment equipment and technical assistance to the gov-
10 ernment of American Samoa to carry out the pur-
11 poses of this chapter and other Federal or territorial
12 drug or other substance abuse laws.

13 **§ 10733. Grants**

14 The amount of \$350,000 is authorized to be appro-
15 priated annually for grants to the government of American
16 Samoa, to be expended in accordance with a plan approved
17 by the Secretary of the Interior in consultation with the
18 Attorney General and the Secretaries of Education and
19 Health and Human Services to carry out the purposes of
20 this chapter, to remain available until expended.

21 **§ 10734. Vessel**

22 The Secretary of Homeland Security in consultation
23 with the Secretary of the Interior shall provide the govern-
24 ment of American Samoa with a vessel to be used in the
25 enforcement of narcotics and other laws.

1 **Subchapter V—Virgin Islands**

2 **§ 10741. Grants**

3 The amount of \$2,000,000 is authorized to be appro-
4 priated annually to the government of the Virgin Islands
5 to carry out the purposes of this chapter, to be expended
6 in accordance with a plan approved by the Secretary of
7 the Interior in consultation with the Attorney General and
8 the Secretaries of Education and Health and Human
9 Services, to remain available until expended.

10 **§ 10742. Vessel**

11 The United States Coast Guard shall station a patrol
12 vessel in St. Croix, Virgin Islands.

13 **§ 10743. Training and technical assistance**

14 (a) TRAINING AND ASSISTANCE.—The Attorney Gen-
15 eral and the Secretaries of Education and Health and
16 Human Services may provide and, upon request of the
17 government of the Virgin Islands, shall provide appro-
18 priate training, technical assistance, and equipment to the
19 government of the Virgin Islands to carry out the purposes
20 of this chapter and other Federal or territorial drug or
21 other substance abuse laws.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as may be
24 necessary to carry out subsection (a). Funds appropriated

1 under this subsection shall remain available until ex-
2 pended.

3 **§ 10744. Personnel**

4 To assist in the prosecution of the violation of the
5 narcotics laws of the United States, the Attorney General
6 shall assign the necessary personnel to serve in the office
7 of the United States Attorney for the Virgin Islands ap-
8 pointed under section 50791 of this title.

9 **§ 10745. Drug Enforcement Administration personnel**
10 **assignments**

11 To assist in the enforcement of the controlled sub-
12 stances laws of the United States in coordination with law
13 enforcement officers in insular areas in the eastern Carib-
14 bean and in the central and western Pacific, the Adminis-
15 trator of the Drug Enforcement Administration shall as-
16 sign appropriate personnel and other resources to the Vir-
17 gin Islands.

18 **Subchapter VI—Northern Mariana**
19 **Islands**

20 **§ 10761. Law enforcement officers**

21 With the approval of the Attorney General or the At-
22 torney General's designee, law enforcement officers of the
23 government of the Northern Mariana Islands may—

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

4 (2) make arrests without warrant; and

5 (3) make seizures of property to carry out the
6 purposes of this chapter, the Controlled Substances
7 Import and Export Act (21 U.S.C. 951 et seq.), and
8 other narcotics laws of the United States.

9 **§ 10762. Training and technical assistance**

10 The Attorney General and the Secretaries of Edu-
11 cation and Health and Human Services may and, upon
12 request of the government of the Northern Mariana Is-
13 lands, shall—

14 (1) train law enforcement officers and other
15 personnel of the government of the Northern Mar-
16 iana Islands; and

17 (2) provide, by purchase or lease, law enforce-
18 ment equipment and technical assistance to the gov-
19 ernment of the Northern Mariana Islands to carry
20 out the purposes of this chapter and other Federal
21 or commonwealth drug or other substance abuse
22 laws.

23 **§ 10763. Grants**

24 The amount of \$125,000 is authorized to be appro-
25 priated annually for grants to the government of the

1 Northern Mariana Islands, to be expended in accordance
2 with a plan approved by the Secretary of the Interior in
3 consultation with the Attorney General and the Secre-
4 taries of Education and Health and Human Services to
5 carry out the purposes of this chapter, to remain available
6 until expended.

7 **§ 10764. Personnel**

8 Federal personnel and equipment assigned to Guam
9 under sections 10721 through 10723 of this title shall also
10 be available to carry out the purposes of this chapter in
11 the Northern Mariana Islands.

12 **Chapter 109—Pacific Policy**
13 **Reports**

Sec.
10901. Definitions.
10902. Reports.
10903. Conference.
10904. Administrative matters.

14 **§ 10901. Definitions**

15 In this chapter:

16 (1) UNITED STATES NONCONTIGUOUS PACIFIC
17 AREAS.—The term “United States noncontiguous
18 Pacific areas” includes Guam, American Samoa, the
19 Northern Mariana Islands, Hawaii, and Alaska.

20 (2) UNITED STATES-ASSOCIATED NONCONTIG-
21 UOUS PACIFIC AREAS.—The term “United States-as-
22 sociated noncontiguous Pacific areas” includes the

1 Federated States of Micronesia, the Marshall Is-
2 lands, and Palau.

3 **§ 10902. Reports**

4 (a) SUBMISSION.—Not later than 1 year after Janu-
5 ary 14, 1986, and each 5 years thereafter, the Secretary
6 of the Interior, in consultation with the Secretary of State,
7 shall submit to Congress and the President a report on
8 United States noncontiguous Pacific areas policy and rec-
9 ommendations as may be necessary to accomplish the ob-
10 jectives of the policy.

11 (b) CONTENTS.—The report required in subsection
12 (a) shall set forth clearly defined policies regarding United
13 States, and United States-associated, noncontiguous Pa-
14 cific areas, including—

15 (1) the role of and impact on the noncontiguous
16 Pacific areas in the formulation and conduct of for-
17 eign policy;

18 (2) the applicability of standards in Federal
19 laws, regulations, and programs to the noncontig-
20 uous Pacific areas and modifications which may be
21 necessary to achieve the intent of the laws, regula-
22 tions, and programs consistent with the unique char-
23 acter of the noncontiguous Pacific areas;

24 (3) the effectiveness of the Federal executive or-
25 ganizational arrangements for—

1 (A) providing liaison between the Federal
2 Government and the governments of the non-
3 contiguous Pacific areas;

4 (B) coordinating Federal actions in a man-
5 ner that recognizes the unique circumstances
6 and needs of the noncontiguous Pacific areas;
7 and

8 (C) achieving the objective of Federal pol-
9 icy and ensuring that Congress receives the in-
10 formation necessary to discharge its responsibil-
11 ities; and

12 (4) actions which may be needed to facilitate
13 the economic and social health and development of
14 the noncontiguous Pacific areas, consistent with the
15 noncontiguous Pacific areas' self-determined objec-
16 tives.

17 **§ 10903. Conference**

18 (a) MEETING.—Prior to submitting the report re-
19 quired under section 10902 of this title, the Secretary of
20 the Interior, in consultation with the Secretary of State,
21 shall convene a conference to obtain the views of the non-
22 contiguous Pacific areas on the matters required to be ad-
23 dressed in the report.

24 (b) PARTICIPANTS.—Representatives of each non-
25 contiguous Pacific area, the heads of all executive depart-

1 ments and agencies, and other public and private organi-
2 zations concerned with the noncontiguous Pacific areas as
3 requested by the Secretary of the Interior shall be entitled
4 to be participants in the conference.

5 (c) WRITTEN COMMENTS.—The Secretary of the In-
6 terior shall afford participants in the conference an oppor-
7 tunity to submit written comments for inclusion in the re-
8 port required under section 10902 of this title.

9 § 10904. Administrative matters

10 (a) ADMINISTRATIVE SUPPORT.—The Secretary of
11 the Interior shall provide all necessary administrative sup-
12 port to accomplish the requirements of sections 10902 and
13 10903 of this title.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as may be
16 necessary to carry out this chapter.

17 Chapter 111—Energy Resources

Subchapter I—Comprehensive Energy Plan

Sec.

11101. Declaration of policy.

11102. Authorization of appropriations.

11103. Financial assistance.

Subchapter II—Study of Electric Rates

11121. Definitions.

11122. Establishment of team.

11123. Regional utility organizations.

11124. Energy action plan.

11125. Reports.

11126. Annual report to Congress.

11127. Approval of Secretary required.

1 **Subchapter I—Comprehensive**
2 **Energy Plan**

3 **§ 11101. Declaration of policy**

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

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

11 (2) assist other insular areas in the Caribbean
12 and Pacific Basin in the development of the insular
13 areas' renewable energy resources.

14 **§ 11102. Authorization of appropriations**

15 There are authorized to be appropriated such sums
16 as may be necessary to carry out the purposes of this sub-
17 chapter.

18 **§ 11103. Financial assistance**

19 (a) DEFINITIONS.—In this section:

20 (1) INSULAR AREA.—The term “insular area”
21 means Puerto Rico, Guam, American Samoa, the
22 Virgin Islands, the Northern Mariana Islands, the
23 Marshall Islands, the Federated States of Micro-
24 nesia, or Palau.

1 (2) 1982 TERRITORIAL ENERGY ASSESS-
2 MENT.—The term “1982 Territorial Energy Assess-
3 ment” means the comprehensive energy plan pre-
4 pared by the Secretary of Energy pursuant to sec-
5 tion 604(c) of Public Law 96–597 (94 Stat. 3481).

6 (b) ANNUAL AMOUNTS.—The Secretary of Energy
7 may grant financial assistance, not to exceed \$2,000,000
8 annually, to insular area governments or private sector
9 persons working in cooperation with insular area govern-
10 ments to carry out projects to evaluate the feasibility of,
11 develop options for, and encourage the adoption of energy
12 efficiency and renewable energy measures that—

13 (1) reduce the dependency of the insular areas
14 on imported fuels;

15 (2) improve the quality of the environment; and

16 (3) promote development in the insular areas.

17 (c) COOPERATION WITH LOCAL INSTITUTIONS.—An
18 applicant for financial assistance under this section must
19 evidence coordination and cooperation with, and support
20 from, the affected local energy institutions.

21 (d) AMOUNT OF ASSISTANCE.—In determining the
22 amount of financial assistance to be provided for a pro-
23 posed project, the Secretary of Energy shall consider—

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

1 (2) the ease and costs of operation and mainte-
2 nance of facilities contemplated as a part of the
3 project;

4 (3) whether the project will rely on the use of
5 conservation measures or indigenous, renewable en-
6 ergy resources that were identified in the 1982 Ter-
7 ritorial Energy Assessment or that are identified by
8 the Secretary of Energy as consistent with the pur-
9 poses of this section;

10 (4) whether the measure will contribute signifi-
11 cantly to development and the quality of the environ-
12 ment in the insular area; and

13 (5) any other factors which the Secretary of
14 Energy may determine to be relevant to a particular
15 project.

16 (e) GRANTS RELATED TO POWER LINES.—

17 (1) IN GENERAL.—The Secretary of the Inte-
18 rior may make a grant to a government of an insu-
19 lar area to carry out an eligible project to protect
20 electric power transmission and distribution lines in
21 the insular area from damage caused by hurricanes
22 and typhoons.

23 (2) ELIGIBLE PROJECTS.—The Secretary of the
24 Interior may award a grant under paragraph (1)
25 only to a government of an insular area that submits

1 a written project plan to the Secretary of the Inte-
2 rior for a project that meets the following criteria:

3 (A) The project is designed to protect elec-
4 tric power transmission and distribution lines
5 located in 1 or more of the insular areas from
6 damage caused by hurricanes and typhoons.

7 (B) The project is likely to substantially
8 reduce the risk of future damage, hardship,
9 loss, or suffering.

10 (C) The project addresses 1 or more prob-
11 lems that have been repetitive or that pose a
12 significant risk to public health and safety.

13 (D) The project is not likely to cost more
14 than the value of the reduction in direct dam-
15 age and other negative impacts that the project
16 is designed to prevent or mitigate. The cost
17 benefit analysis required by this criterion shall
18 be computed on a net present value basis.

19 (E) The project design has taken into con-
20 sideration long-term changes to the areas and
21 persons it is designed to protect and has man-
22 ageable future maintenance and modification
23 requirements.

24 (F) The project plan includes an analysis
25 of a range of options to address the problem it

1 is designed to prevent or mitigate and a jus-
2 tification for the selection of the project in light
3 of that analysis.

4 (G) The applicant has demonstrated to the
5 Secretary of the Interior that the matching
6 funds required by paragraph (4) are available.

7 (3) PRIORITY.—When making a grant under
8 this section, the Secretary of the Interior shall give
9 priority to grants for projects which are likely to—

10 (A) have the greatest impact on reducing
11 future disaster losses; and

12 (B) best conform with plans that have
13 been approved by the Federal Government or
14 the government of the insular area where the
15 project is to be carried out for development or
16 hazard mitigation for that insular area.

17 (4) MATCHING REQUIREMENT.—The Federal
18 share of the cost for a project for which a grant is
19 provided under this section shall not exceed 75 per-
20 cent of the total cost of that project. The non-Fed-
21 eral share of the cost may be provided in the form
22 of cash or services.

23 (5) TREATMENT OF FUNDS FOR CERTAIN PUR-
24 POSES.—A grant provided under this section shall
25 not be considered as income, a resource, or a dupli-

1 cative program when determining eligibility or ben-
2 efit levels for Federal major disaster and emergency
3 assistance.

4 (6) AUTHORIZATION OF APPROPRIATIONS.—
5 The amount of \$6,000,000 is authorized to be ap-
6 propriated to carry out this section for each fiscal
7 year.

8 **Subchapter II—Study of Electric** 9 **Rates**

10 **§ 11121. Definitions**

11 In this subchapter:

12 (1) COMPREHENSIVE ENERGY PLAN.—The term
13 “comprehensive energy plan” means a comprehen-
14 sive energy plan prepared under section 604(c) of
15 Public Law 96–597 (94 Stat. 3481) and updated
16 under section 604(e) of Public Law 96–597, as
17 amended by section 251(3) of Public Law 109–58
18 (119 Stat. 679).

19 (2) ENERGY ACTION PLAN.—The term “energy
20 action plan” means the plan required under section
21 11124 of this title.

22 (3) FREELY ASSOCIATED STATES.—The term
23 “Freely Associated States” means the Republic of
24 the Marshall Islands, the Federated States of Micro-
25 nesia, and the Republic of Palau.

1 (4) INSULAR AREA.—The term “insular area”
2 means Puerto Rico, Guam, American Samoa, the
3 Virgin Islands, or the Northern Mariana Islands.

4 (5) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior, except that, with re-
6 spect to Puerto Rico, the term means the Secretary
7 of Energy.

8 (6) TEAM.—The term “team” means the team
9 established by the Secretary under section 11122 of
10 this title.

11 **§ 11122. Establishment of team**

12 (a) IN GENERAL.—Not later than the date specified
13 in subsection (b), the Secretary shall, within the Empow-
14 ering Insular Communities activity (except in the case of
15 Puerto Rico), establish a team of technical, policy, and fi-
16 nancial experts—

17 (1) to develop an energy action plan addressing
18 the energy needs of each insular area and the Freely
19 Associated States; and

20 (2) to assist each insular area and the Freely
21 Associated States in implementing the plan.

22 (b) DATE SPECIFIED.—The date specified in this
23 subsection is—

24 (1) Not later than 180 days after December 16,
25 2014, with respect to Guam, American Samoa, the

1 Virgin Islands, the Northern Mariana Islands, and
2 the Freely Associated States; and

3 (2) Not later than 270 days after June 30,
4 2016, with respect to Puerto Rico.

5 **§ 11123. Regional utility organizations**

6 In establishing the team, the Secretary shall consider
7 including regional utility organizations.

8 **§ 11124. Energy action plan**

9 In accordance with section 11122 of this title, the en-
10 ergy action plan shall include—

11 (1) recommendations, based on the comprehen-
12 sive energy plan where applicable, to—

13 (A) reduce reliance and expenditures on
14 fuel shipped to the insular areas and Freely As-
15 sociated States from ports outside the United
16 States;

17 (B) develop and utilize domestic fuel en-
18 ergy sources; and

19 (C) improve performance of energy infra-
20 structure and overall energy efficiency;

21 (2) a schedule for implementation of the rec-
22 ommendations and identification and prioritization
23 of specific projects;

24 (3) a financial and engineering plan for imple-
25 menting and sustaining projects; and

1 (4) benchmarks for measuring progress toward
2 implementation.

3 **§ 11125. Reports**

4 Not later than 1 year after the date on which the
5 Secretary establishes the team and annually thereafter,
6 the team shall submit to the Secretary a report detailing
7 progress made in fulfilling the team's charge and in imple-
8 menting the energy action plan.

9 **§ 11126. Annual report to Congress**

10 Not later than 30 days after the date on which the
11 Secretary receives a report submitted by the team under
12 section 11125 of this title, the Secretary shall submit to
13 the appropriate committees of Congress a summary of the
14 report.

15 **§ 11127. Approval of Secretary required**

16 The energy action plan shall not be implemented until
17 the Secretary approves the energy action plan.

18 **Chapter 113—Representation in**
19 **Congress**

Subchapter I—Puerto Rico

Sec.

11301. Resident commissioner to the United States.

11302. Qualifications of commissioner.

11303. Vacancy in office.

11304. Salary and privileges.

11305. Payment of salary and traveling expenses.

Subchapter II—Guam

11321. Delegate to House of Representatives from Guam.

11322. Election of delegate.

11323. Qualifications for office of delegate.

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Subchapter III—American Samoa

- 11341. Delegate to House of Representatives from American Samoa.
- 11342. Election of delegate.
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Subchapter IV—Virgin Islands

- 11361. Delegate to House of Representatives from the Virgin Islands.
- 11362. Election of delegate.
- 11363. Qualifications for office of delegate.
- 11364. Determination of election procedures.
- 11365. Delegate benefits.

Subchapter V—Northern Mariana Islands

- 11381. Definition of delegate.
- 11382. Delegate to House of Representatives from the Northern Mariana Islands.
- 11383. Election of delegate.
- 11384. Qualifications for office of delegate.
- 11385. Determination of election procedures.
- 11386. Delegate benefits.
- 11387. Covenant not affected.

1 **Subchapter I—Puerto Rico**

2 **§ 11301. Resident commissioner to the United States**

3 Beginning with the year 1921, the qualified electors
4 of Puerto Rico shall choose a resident commissioner to the
5 United States at each general election, whose term of of-
6 fice shall be 4 years from the 3d of January following that
7 general election, and who shall be entitled to receive offi-
8 cial recognition as the commissioner by all departments
9 of the Government of the United States, upon presen-
10 tation, through the Department of State, of a certificate
11 of election of the Governor of Puerto Rico.

12 **§ 11302. Qualifications of commissioner**

13 To be eligible to election as resident commissioner,
14 an individual shall—

15 (1) be a bona fide citizen of the United States;

1 (2) be more than 25 years of age; and

2 (3) read and write the English language.

3 **§ 11303. Vacancy in office**

4 In case of a vacancy in the office of resident commis-
5 sioner by death, resignation, or otherwise, the governor,
6 by and with the advice and consent of the senate of the
7 legislature of Puerto Rico, shall appoint a resident com-
8 missioner to fill the vacancy, who shall serve until the next
9 general election and until a successor is elected and quali-
10 fied.

11 **§ 11304. Salary and privileges**

12 The resident commissioner shall—

13 (1) receive a salary payable monthly by the
14 United States;

15 (2) be allowed the same sum for stationery and
16 for the pay of necessary clerk hire as members of
17 the House of Representatives; and

18 (3) be allowed the franking privilege granted
19 members of Congress.

20 **§ 11305. Payment of salary and traveling expenses**

21 The salary and traveling expenses of the resident
22 commissioner from Puerto Rico to the United States shall
23 be paid by the Chief Administrative Officer of the House
24 of Representatives in the same manner as the salaries of
25 the members of the House of Representatives are paid.

1 **Subchapter II—Guam**

2 **§ 11321. Delegate to House of Representatives from**
3 **Guam**

4 Guam shall be represented in Congress by a non-
5 voting delegate to the House of Representatives, elected
6 as provided in this subchapter.

7 **§ 11322. Election of delegate**

8 (a) IN GENERAL.—The delegate shall be elected by
9 the people qualified to vote for the members of the legisla-
10 ture of Guam at the general election of 1972, and at such
11 general election every 2d year thereafter.

12 (b) MAJORITY VOTE.—The delegate from Guam shall
13 be elected at large and by a majority of the votes cast
14 for the office of delegate.

15 (c) RUNOFF ELECTION.—If no candidate receives a
16 majority, on the 14th day following the election, a runoff
17 election shall be held between the candidates receiving the
18 highest and the 2d highest number of votes cast for the
19 office of delegate.

20 (d) VACANCY IN OFFICE.—In case of a permanent
21 vacancy in the office of delegate, by reason of death, res-
22 ignation, or permanent disability, the office of delegate
23 shall remain vacant until a successor is elected and quali-
24 fied.

1 (e) COMMENCEMENT OF TERM.—The term of the
2 delegate shall commence on the 3d day of January fol-
3 lowing the election.

4 **§ 11323. Qualifications for office of delegate**

5 To be eligible for the office of delegate a candidate
6 shall—

7 (1) be at least 25 years of age on the date of
8 the election;

9 (2) have been a citizen of the United States for
10 at least 7 years prior to the date of the election;

11 (3) be an inhabitant of Guam; and

12 (4) not be, on the date of the election, a can-
13 didate for any other office.

14 **§ 11324. Determination of election procedures**

15 The legislature of Guam may determine—

16 (1) the order of names on the ballot for election
17 of delegate;

18 (2) the method by which a special election to fill
19 a vacancy in the office of delegate shall be con-
20 ducted;

21 (3) the method by which ties between can-
22 didates for the office of delegate shall be resolved;
23 and

1 (4) all other matters of local application per-
2 taining to the election and the office of delegate not
3 expressly provided for.

4 **§ 11325. Delegate benefits**

5 The delegate from Guam shall have privileges in the
6 House of Representatives as may be afforded under the
7 rules of the House of Representatives. Until the rules of
8 the House of Representatives are amended to provide oth-
9 erwise, the delegate shall receive the same compensation,
10 allowances, and benefits as a member of the House of Rep-
11 resentatives, and shall be entitled to whatever privileges
12 and immunities are, or may be, granted to the resident
13 commissioner for Puerto Rico. The right to vote in com-
14 mittee shall be as provided by the rules of the House of
15 Representatives.

16 **Subchapter III—American Samoa**

17 **§ 11341. Delegate to House of Representatives from**
18 **American Samoa**

19 American Samoa shall be represented in Congress by
20 a nonvoting delegate to the House of Representatives,
21 elected as provided in this subchapter.

22 **§ 11342. Election of delegate**

23 (a) IN GENERAL.—The delegate shall be elected by
24 the people qualified to vote for the popularly elected offi-
25 cials of American Samoa at the Federal general election

1 of 1980, and at such Federal general election every 2d
2 year thereafter.

3 (b) PLURALITY VOTE.—The delegate shall be elected
4 at large, by separate ballot, and by a plurality of the votes
5 cast for the office of delegate.

6 (c) VACANCY IN OFFICE.—In case of a permanent
7 vacancy in the office of delegate, by reason of death, res-
8 ignation, or permanent disability, the office of delegate
9 shall remain vacant until a successor is elected and quali-
10 fied.

11 (d) COMMENCEMENT OF TERM.—The term of the
12 delegate shall commence on the 3d day of January fol-
13 lowing the election.

14 (e) ESTABLISHMENT OF PRIMARY ELECTIONS.—The
15 legislature of American Samoa may provide for primary
16 elections for the election of delegate.

17 (f) EFFECT OF ESTABLISHMENT OF PRIMARY ELEC-
18 TIONS.—If the legislature of American Samoa provides for
19 primary elections for the election of delegate, the delegate
20 shall be elected by a majority of votes cast in a subsequent
21 general election for the office of delegate for which the
22 primary elections were held.

23 **§ 11343. Qualifications for office of delegate**

24 To be eligible for the office of delegate a candidate
25 shall—

1 (1) be at least 25 years of age on the date of
2 the election;

3 (2) owe allegiance to the United States;

4 (3) be an inhabitant of American Samoa; and

5 (4) not be, on the date of the election, a can-
6 didate for any other office.

7 **§ 11344. Determination of election procedures**

8 Acting pursuant to legislation enacted in accordance
9 with article II, section 9 of the American Samoan Revised
10 Constitution, the territorial government will determine—

11 (1) the order of names on the ballot for election
12 of delegate;

13 (2) the method by which a special election to fill
14 a vacancy in the office of delegate shall be con-
15 ducted;

16 (3) the method by which ties between can-
17 didates for the office of delegate shall be resolved;
18 and

19 (4) all other matters of local application per-
20 taining to the election and the office of delegate not
21 expressly provided for.

22 **§ 11345. Delegate benefits**

23 Until the rules of the House of Representatives are
24 amended to provide otherwise, the delegate from American
25 Samoa shall receive the same compensation, allowances,

1 and benefits as a member of the House of Representatives,
2 and shall be entitled to whatever privileges and immunities
3 that are, or may be, granted to the nonvoting delegate
4 from Guam.

5 **Subchapter IV—Virgin Islands**

6 **§ 11361. Delegate to House of Representatives from** 7 **the Virgin Islands**

8 The Virgin Islands shall be represented in Congress
9 by a nonvoting delegate to the House of Representatives,
10 elected as provided in this subchapter.

11 **§ 11362. Election of delegate**

12 (a) IN GENERAL.—The delegate shall be elected by
13 the people qualified to vote for the members of the legisla-
14 ture of the Virgin Islands at the general election of 1972,
15 and at such general election every 2d year thereafter.

16 (b) MAJORITY VOTE.—The delegate from the Virgin
17 Islands shall be elected at large, by separate ballot and
18 by a majority of the votes cast for the office of delegate.

19 (c) RUNOFF ELECTION.—If no candidate receives a
20 majority, on the 14th day following the election, a runoff
21 election shall be held between the candidates receiving the
22 highest and the 2d highest number of votes cast for the
23 office of delegate.

24 (d) VACANCY IN OFFICE.—In case of a permanent
25 vacancy in the office of delegate, by reason of death, res-

1 ignation, or permanent disability, the office of delegate
2 shall remain vacant until a successor is elected and quali-
3 fied.

4 (e) COMMENCEMENT OF TERM.—The term of the
5 delegate shall commence on the 3d day of January fol-
6 lowing the election.

7 **§ 11363. Qualifications for office of delegate**

8 To be eligible for the office of delegate a candidate
9 shall—

10 (1) be at least 25 years of age on the date of
11 the election;

12 (2) have been a citizen of the United States for
13 at least 7 years prior to the date of the election;

14 (3) be an inhabitant of the Virgin Islands; and

15 (4) not be, on the date of the election, a can-
16 didate for any other office.

17 **§ 11364. Determination of election procedures**

18 The legislature of the Virgin Islands may deter-
19 mine—

20 (1) the order of names on the ballot for election
21 of delegate;

22 (2) the method by which a special election to fill
23 a vacancy in the office of delegate shall be con-
24 ducted;

1 (3) the method by which ties between can-
2 didates for the office of delegate shall be resolved;
3 and

4 (4) all other matters of local application per-
5 taining to the election and the office of delegate not
6 expressly provided for.

7 **§ 11365. Delegate benefits**

8 The delegate from the Virgin Islands shall have privi-
9 leges in the House of Representatives as may be afforded
10 under the rules of the House of Representatives. Until the
11 rules of the House of Representatives are amended to pro-
12 vide otherwise, the delegate shall receive the same com-
13 pensation, allowances, and benefits as a member of the
14 House of Representatives, and shall be entitled to what-
15 ever privileges and immunities are, or may be, granted to
16 the resident commissioner for Puerto Rico. The right to
17 vote in committee shall be as provided by the rules of the
18 House of Representatives.

19 **Subchapter V—Northern Mariana**
20 **Islands**

21 **§ 11381. Definition of delegate**

22 In this subchapter, the term “delegate” means the
23 resident representative referred to in section 11382 of this
24 title.

1 **§ 11382. Delegate to House of Representatives from**
2 **the Northern Mariana Islands**

3 The Northern Mariana Islands shall be represented
4 in Congress by the resident representative authorized by
5 section 901 of the Covenant To Establish a Common-
6 wealth of the Northern Mariana Islands in Political Union
7 with the United States of America (approved by section
8 60102 of this title). The resident representative shall be
9 a nonvoting delegate to the House of Representatives,
10 elected as provided in this subchapter.

11 **§ 11383. Election of delegate**

12 (a) IN GENERAL.—The delegate shall be elected by
13 the people qualified to vote for the popularly elected offi-
14 cials of the Northern Mariana Islands at the Federal gen-
15 eral election of 2008, and at such Federal general election
16 every 2d year thereafter.

17 (b) PLURALITY VOTE.—The delegate shall be elected
18 at large and by a plurality of the votes cast for the office
19 of delegate.

20 (c) EFFECT OF ESTABLISHMENT OF PRIMARY ELEC-
21 TIONS.—If the government of the Northern Mariana Is-
22 lands, acting pursuant to legislation enacted in accordance
23 with the Constitution of the Northern Mariana Islands,
24 provides for primary elections for the election of the dele-
25 gate, the delegate shall be elected by a majority of the

1 votes cast in a general election for the office of delegate
2 for which the primary elections were held.

3 (d) VACANCY IN OFFICE.—In case of a permanent
4 vacancy in the office of delegate, the office of delegate
5 shall remain vacant until a successor is elected and quali-
6 fied.

7 (e) COMMENCEMENT OF TERM.—The term of the
8 delegate shall commence on the 3d day of January fol-
9 lowing the date of the election.

10 **§ 11384. Qualifications for office of delegate**

11 To be eligible for the office of delegate a candidate
12 shall—

13 (1) be at least 25 years of age on the date of
14 the election;

15 (2) have been a citizen of the United States for
16 at least 7 years prior to the date of the election;

17 (3) be a resident and domiciliary of the North-
18 ern Mariana Islands for at least 7 years prior to the
19 date of the election;

20 (4) be qualified to vote in the Northern Mar-
21 iana Islands on the date of the election; and

22 (5) not be, on the date of the election, a can-
23 didate for any other office.

1 **§ 11385. Determination of election procedures**

2 Acting pursuant to legislation enacted in accordance
3 with the Constitution of the Northern Mariana Islands,
4 the government of the Northern Mariana Islands may de-
5 termine—

6 (1) the order of names on the ballot for election
7 of delegate;

8 (2) the method by which a special election to fill
9 a permanent vacancy in the office of delegate shall
10 be conducted;

11 (3) the method by which ties between can-
12 didates for the office of delegate shall be resolved;
13 and

14 (4) all other matters of local application per-
15 taining to the election and the office of delegate not
16 expressly provided for in this subchapter.

17 **§ 11386. Delegate benefits**

18 Until the rules of the House of Representatives are
19 amended to provide otherwise, the delegate from the
20 Northern Mariana Islands shall receive the same com-
21 pensation, allowances, and benefits as a member of the
22 House of Representatives, and shall be entitled to what-
23 ever privileges and immunities are, or may be, granted to
24 any other nonvoting delegate to the House of Representa-
25 tives.

1 **§ 11387. Covenant not affected**

2 This subchapter shall not be construed to alter,
3 amend, or abrogate any provision of the covenant referred
4 to in section 11382 of this title except section 901 of the
5 covenant.

6 **Chapters 115 Through 119—Reserved**

7 **Chapter 121—Miscellaneous**

Sec.

12101. Rights of Indians in territories.

12102. Regulation of Indians.

12103. Loss of title to land in territories.

12104. Transportation for storage or storage of spent nuclear fuel or high-level
radioactive waste.

12105. Prosecution authority to seek appellate review.

12106. Concurrent jurisdiction and exception.

12107. Jurisdiction of district court of cases arising on or within Midway, Wake,
Johnston, Sand, etc., Islands; laws applicable to jury trials.

12108. Transfer of property or money for administration of territories.

12109. Continuation of certain Federal education and health care programs.

12110. Acknowledgment of deeds.

8 **§ 12101. Rights of Indians in territories**

9 (a) RIGHTS OF INDIANS.—The provisions specified in
10 subsection (d) shall not be construed to impair the rights
11 of person or property pertaining to the Indians in any ter-
12 ritory, so long as the rights remain unextinguished by
13 treaty between the United States and the Indians.

14 (b) TERRITORIAL BOUNDARIES.—The provisions
15 specified in subsection (d) shall not be construed to in-
16 clude any territory which, by treaty with an Indian tribe,
17 is not, without the consent of the tribe, embraced within
18 the territorial limits or jurisdiction of a State or territory,
19 but all such territory shall be excepted out of the bound-

1 aries, and constitute no part of any territory until the tribe
2 signifies its assent to the President to be embraced within
3 the territory.

4 (c) LIMITATION.—In this section, the term “terri-
5 tory” does not include Puerto Rico, Guam, American
6 Samoa, the Virgin Islands, or the Northern Mariana Is-
7 lands.

8 (d) SPECIFIED PROVISIONS.—The provisions speci-
9 fied in this subsection are the following:

10 (1) This section and section 12102 of this title.

11 (2) Section 1957 of the Revised Statutes (16
12 U.S.C. 645).

13 (3) Section 1973 of the Revised Statutes (16
14 U.S.C. 655).

15 (4) Section 1975 of the Revised Statutes (16
16 U.S.C. 655).

17 (5) Section 1976 of the Revised Statutes (16
18 U.S.C. 656).

19 **§ 12102. Regulation of Indians**

20 (a) IN GENERAL.—The provisions specified in sub-
21 section (c) shall not be construed to affect the authority
22 of the United States to make regulations respecting the
23 Indians of a territory, their land, property, or rights, by
24 treaty, law, or otherwise, in the same manner as might

1 be made if no temporary government existed, or is estab-
2 lished, in a territory.

3 (b) LIMITATION.—In this section, the term “terri-
4 tory” does not include Puerto Rico, Guam, American
5 Samoa, the Virgin Islands, or the Northern Mariana Is-
6 lands.

7 (c) SPECIFIED PROVISIONS.—The provisions speci-
8 fied in this subsection are the following:

9 (1) This section and section 12101 of this title.

10 (2) Section 1957 of the Revised Statutes (16
11 U.S.C. 645).

12 (3) Section 1973 of the Revised Statutes (16
13 U.S.C. 655).

14 (4) Section 1975 of the Revised Statutes (16
15 U.S.C. 655).

16 (5) Section 1976 of the Revised Statutes (16
17 U.S.C. 656).

18 **§ 12103. Loss of title to land in territories**

19 No prescription or statute of limitations shall run, or
20 continue to run, against the title of the United States to
21 lands in a territory (including a possession) or place or
22 territory under the jurisdiction or control of the United
23 States. No title to any of the lands of the United States
24 as described in this section or any right in the lands shall

1 be acquired by adverse possession or prescription, or oth-
2 erwise than by conveyance from the United States.

3 **§ 12104. Transportation for storage or storage of**
4 **spent nuclear fuel or high-level radio-**
5 **active waste**

6 (a) DEFINITION OF TERRITORY.—In this section, the
7 words “territory (including a possession)” include the
8 Trust Territory of the Pacific Islands and any area not
9 within the boundaries of the several States over which the
10 United States claims or exercises sovereignty.

11 (b) IN GENERAL.—Prior to granting a license, per-
12 mit, or other authorization or permission by an agency or
13 instrumentality of the United States to a person for the
14 transportation of spent nuclear fuel or high-level radio-
15 active waste for interim, long-term, or permanent storage
16 to, or for the storage of the fuel or waste on, a territory
17 (including a possession) of the United States, the Sec-
18 retary of the Interior shall transmit to Congress a detailed
19 report on the proposed transportation or storage plan. A
20 license, permit, or other authorization or permission as de-
21 scribed in this subsection shall not be granted nor shall
22 transportation or storage as described in this subsection
23 occur unless the proposed transportation or storage plan
24 has been specifically authorized by Congress.

1 (c) EXCEPTION.—The provisions of subsection (b)
2 shall not apply to the cleanup and rehabilitation of Bikini
3 and Enewetak Atolls.

4 **§ 12105. Prosecution authority to seek appellate re-**
5 **view**

6 Unless precluded by local law, the prosecution in a
7 territory or Commonwealth may seek review or other suit-
8 able relief in the appropriate local or Federal appellate
9 court, or, where applicable, in the Supreme Court of the
10 United States from—

11 (1) decision, judgment, or order of a trial court
12 dismissing an indictment or information as to any 1
13 or more counts, except that no review shall lie where
14 the constitutional prohibition against double jeop-
15 ardy would further prosecution;

16 (2) a decision or order of a trial court sup-
17 pressing or excluding evidence or requiring the re-
18 turn of seized property in a criminal proceeding, not
19 made after the defendant has been put in jeopardy
20 and before the verdict or finding on an indictment
21 or information, if the prosecution certifies to the
22 trial court that the appeal is not taken for purpose
23 of delay and that the evidence is a substantial proof
24 of a fact material in the proceeding; or

1 (3) an adverse decision, judgment, or order of
2 an appellate court.

3 **§ 12106. Concurrent jurisdiction and exception**

4 (a) IN GENERAL.—Except as otherwise provided by
5 law, the governments of Guam, American Samoa, and the
6 Virgin Islands shall have concurrent civil and criminal ju-
7 risdiction with the United States regarding property
8 owned, reserved, or controlled by the United States in
9 Guam, American Samoa, and the Virgin Islands, respec-
10 tively.

11 (b) BAR TO PROSECUTION.—A judgment of convic-
12 tion or acquittal on the merits under the laws of Guam,
13 American Samoa, or the Virgin Islands shall be a bar to
14 any prosecution under the criminal laws of the United
15 States for the same act or acts. A judgment of conviction
16 or acquittal on the merits under the laws of the United
17 States shall be a bar to any prosecution under the laws
18 of Guam, American Samoa, or the Virgin Islands for the
19 same act or acts.

20 (c) EXCEPTION.—Notwithstanding the provisions of
21 subsection (a) and (b) of this section, the President may
22 from time to time exclude from the concurrent jurisdiction
23 of the government of Guam persons found, acts per-
24 formed, and offenses committed on the property of the
25 United States that is under the control of the Secretary

1 of Defense to such extent and in such circumstances as
2 the President determines required in the interest of the
3 national defense.

4 **§ 12107. Jurisdiction of district court of cases arising**
5 **on or within Midway, Wake, Johnston,**
6 **Sand, etc., Islands; laws applicable to jury**
7 **trials**

8 (a) JURISDICTION EXTENDED.—The jurisdiction of
9 the United States District Court for the District of Hawaii
10 is extended to all civil and criminal cases arising on or
11 within the Midway Islands, Wake Island, Johnston Island,
12 Sand Island, Kingman Reef, Palmyra Island, Baker Is-
13 land, Howland Island, and Jarvis Island.

14 (b) DEEMED COMMITTED ON HIGH SEAS.—All civil
15 acts and deeds consummated and taking place on any of
16 the islands in subsection (a) or in the waters adjacent to
17 the islands in subsection (a), and all offenses and crimes
18 committed on the islands in subsection (a), or on or in
19 the waters adjacent to the islands in subsection (a), shall
20 be deemed to have been consummated or committed on
21 the high seas on board a merchant vessel or other vessel
22 belonging to the United States and shall be adjudicated
23 and determined or adjudged and punished according to
24 the laws of the United States relating to the civil acts or
25 offenses on the ships or vessels on the high seas, which

1 laws for the purpose aforesaid are extended over those is-
2 lands, rocks, and keys.

3 (c) APPLICABLE LAWS.—The laws of the United
4 States relating to juries and jury trials shall be applicable
5 to the trial of cases described in subsection (a) before said
6 district court.

7 **§ 12108. Transfer of property or money for adminis-**
8 **tration of territories**

9 Transfers to the Department of the Interior pursuant
10 to chapters 1 to 11 of title 40 and division C (except sec-
11 tions 3302, 3307(e), 3501(b), 3509, 3906, 4710, and
12 4711) of subtitle I of title 41 of equipment, material, and
13 supplies, excess to the needs of Federal agencies, may be
14 made at the request of the Secretary of the Interior with-
15 out reimbursement or transfer of funds when required by
16 the Department of the Interior for operations conducted
17 in the administration of the territories and the Trust Ter-
18 ritory of the Pacific Islands.

19 **§ 12109. Continuation of certain Federal education**
20 **and health care programs**

21 (a) APPLICABILITY.—Notwithstanding any other pro-
22 vision of law, except in cases in which the Federal program
23 is terminated with respect to all recipients under the pro-
24 gram, Federal programs in the fields of education and
25 health care shall not cease to apply to the successor gov-

1 ernments of the Trust Territory of the Pacific Islands, and
2 shall continue to be available to the extent a territory or
3 its successor is eligible to participate in such programs.

4 (b) PARTICIPATION.—Participation in any applicable
5 Federal programs in the fields of education and health
6 care by the successor governments of the Trust Territory
7 of the Pacific Islands shall not be denied, decreased, or
8 ended without the express approval of the United States
9 Congress and shall continue at such levels as Congress
10 may provide in appropriation Acts.

11 **§ 12110. Acknowledgment of deeds**

12 (a) WHO MAY ACKNOWLEDGE.—A deed or other in-
13 strument affecting land in the District of Columbia or a
14 territory of the United States may be acknowledged in the
15 islands of Guam and American Samoa before a notary
16 public or judge, appointed by proper authority, or by an
17 officer who has ex officio the powers of a notary public.

18 (b) CERTIFICATE.—The certificate by the notary in
19 Guam or American Samoa as the case may be, shall be
20 accompanied by a certificate of the governor or acting gov-
21 ernor of that place to the effect that the notary taking
22 the acknowledgment was in fact the officer the notary pur-
23 ported to be.

1 **Subtitle II—Territories and Insular**
2 **Possessions**
3 **Division A—Puerto Rico**
4 **Chapter 201—General Provisions**

Sec.

20101. Definition of Legislature of Puerto Rico.

5 **§ 20101. Definition of Legislature of Puerto Rico**

6 In this division, the term “Legislature of Puerto
7 Rico” refers to the Legislative Assembly established under
8 the constitution of Puerto Rico, or to a predecessor body
9 previously established under a Federal statute of the
10 United States, as the context requires.

11 **Chapter 203—Organic Provisions**

Sec.

20301. Duties on foreign imports.

20302. Free interchange of merchandise with the United States.

20303. Collection of duties and taxes.

20304. Coasting trade laws.

12 **§ 20301. Duties on foreign imports**

13 (a) FOREIGN IMPORTS.—The same tariffs, customs,
14 and duties that are required by law to be collected upon
15 articles imported into the United States from foreign
16 countries shall be levied, collected, and paid upon articles
17 imported into Puerto Rico from ports other than those of
18 the United States.

19 (b) ENGLISH LANGUAGE MATERIALS.—All books and
20 pamphlets printed in the English language shall be admit-

1 ted into Puerto Rico free of duty when imported from the
2 United States.

3 **§ 20302. Free interchange of merchandise with the**
4 **United States**

5 All merchandise and articles coming into the United
6 States from Puerto Rico and coming into Puerto Rico
7 from the United States shall be entered at the several
8 ports of entry free of duty, and tariff duties shall not be
9 collected on the merchandise or articles.

10 **§ 20303. Collection of duties and taxes**

11 (a) DUTIES AND TAXES.—The duties and taxes col-
12 lected in Puerto Rico pursuant to the Act of April 12,
13 1900 (ch. 191, 31 Stat. 77), less the cost of collecting
14 the duties and taxes, and the gross amount of all collec-
15 tions of duties and taxes in the United States upon articles
16 of merchandise coming from Puerto Rico, shall be paid
17 into the treasury of Puerto Rico, to be expended as re-
18 quired by law for the government and benefit of Puerto
19 Rico.

20 (b) SECRETARY OF TREASURY POWERS.—The Sec-
21 retary of the Treasury shall—

22 (1) designate the several ports and subports of
23 entry in Puerto Rico;

24 (2) make regulations and appoint agents as
25 may be necessary to collect the duties and taxes au-

1 thorized to be levied, collected, and paid in Puerto
2 Rico by the provisions of the Act of April 12, 1900
3 (ch. 191, 31 Stat. 77); and

4 (3) fix the compensation and provide for the
5 payment of such officers, agents, and assistants as
6 the Secretary of the Treasury may find are nec-
7 essary to employ to carry out this section.

8 **§ 20304. Coasting trade laws**

9 The coasting trade between Puerto Rico and the
10 United States shall be regulated in accordance with the
11 provisions of law applicable to the coasting trade between
12 any 2 great coasting districts of the United States.

13 **Chapter 205—Federal Relations** 14 **Provisions**

Sec.

20501. Territory included under the name Puerto Rico.

20502. Privileges and immunities.

20503. Export duties, taxes, and bonds to anticipate revenues.

20504. Internal revenue taxes.

20505. Tax-exempt bonds.

20506. Citizens of Puerto Rico.

20507. Government expenses payable out of revenues.

20508. Control of public property.

20509. Conveyance of lands and buildings.

20510. Control of harbors and navigable waters.

20511. United States laws extended to Puerto Rico.

20512. Judicial process and citizenship of officials.

20513. Official reports.

20514. Legislative power.

20515. Interstate commerce and certain other laws inapplicable to Puerto Rico.

20516. Relations between courts of the United States and Puerto Rico.

20517. Fees part of the United States revenues.

20518. Acknowledgment of deeds.

1 **§ 20501. Territory included under the name Puerto**

2 **Rico**

3 The provisions of this chapter and sections 11301
4 through 11304, 29105, and 29106 of this title shall apply
5 to the island of Puerto Rico and to the adjacent islands
6 belonging to the United States and waters of those is-
7 lands. The name Puerto Rico, as used in this chapter and
8 sections 11301 through 11304, 29105, and 29106 of this
9 title, shall be held to include not only the island of that
10 name, but all the adjacent islands described in this sec-
11 tion.

12 **§ 20502. Privileges and immunities**

13 The rights, privileges, and immunities of citizens of
14 the United States shall be respected in Puerto Rico to the
15 same extent as though Puerto Rico were a State and sub-
16 ject to the provisions of paragraph 1 of section 2 of article
17 IV of the Constitution of the United States.

18 **§ 20503. Export duties, taxes, and bonds to anticipate**

19 **revenues**

20 (a) EXPORT DUTIES.—Export duties shall not be lev-
21 ied or collected on exports from Puerto Rico.

22 (b) TAXES AND ASSESSMENTS.—Taxes and assess-
23 ments on property, income taxes, internal revenue, and li-
24 cense fees, and royalties for franchises, privileges, and
25 concessions, may be imposed for the purposes of the insu-

1 lar and municipal governments, respectively, as may be
2 provided and defined by the Legislature of Puerto Rico.

3 (c) BONDS.—When necessary to anticipate taxes and
4 revenues, and to protect the public credit, bonds and other
5 obligations may be issued by Puerto Rico or a municipal
6 government in Puerto Rico as may be provided by law.

7 **§ 20504. Internal revenue taxes**

8 With respect to internal revenue taxes levied by the
9 Legislature of Puerto Rico pursuant to authority granted
10 by this chapter or sections 11301 through 11304, 29105,
11 or 29106 of this title on articles, goods, wares, or mer-
12 chandise—

13 (1) the taxes may be levied and collected, as the
14 Legislature of Puerto Rico may direct, as soon as
15 articles, goods, wares, or merchandise subject to the
16 tax are manufactured, sold, used, or brought into
17 Puerto Rico;

18 (2) no discrimination may be made between ar-
19 ticles imported from the United States or foreign
20 countries and similar articles produced or manufac-
21 tured in Puerto Rico; and

22 (3) officials of U.S. Customs and Border Pro-
23 tection and the Postal Service of the United States
24 shall assist the appropriate officials of the govern-
25 ment of Puerto Rico in the collection of the taxes.

1 **§ 20505. Tax-exempt bonds**

2 A bond issued by the government of Puerto Rico, or
3 by its authority, shall be exempt from taxation by—

4 (1) the Government of the United States;

5 (2) the government of Puerto Rico;

6 (3) a political or municipal subdivision of Puer-
7 to Rico;

8 (4) a State or territory (including a possession)
9 of the United States;

10 (5) a county, municipality, or other municipal
11 subdivision of a State or territory (including a pos-
12 session) of the United States; or

13 (6) the District of Columbia.

14 **§ 20506. Citizens of Puerto Rico**

15 A citizen of the United States who resides in Puerto
16 Rico for 1 year shall be a citizen of Puerto Rico.

17 **§ 20507. Government expenses payable out of reve-**
18 **nues**

19 Except as otherwise specifically provided by Con-
20 gress, the treasurer of Puerto Rico shall pay from revenue
21 in the treasurer's custody the following:

22 (1) All expenses incurred on account of the gov-
23 ernment of Puerto Rico for salaries of officials and
24 the conduct of their offices and departments.

25 (2) All expenses incurred and obligations con-
26 tracted on account of the government of Puerto Rico

1 for the internal improvement or development of the
2 island, except defenses, barracks, harbors, light-
3 houses, buoys, and other works undertaken by the
4 United States.

5 **§ 20508. Control of public property**

6 (a) PROPERTY PLACED UNDER CONTROL OF GOV-
7 ERNMENT OF PUERTO RICO.—

8 (1) DEFINITION OF CONTROL.—Notwith-
9 standing any other provision of law, as used in para-
10 graph (2), the term “control” includes—

11 (A) all right, title, and interest in and to,
12 and jurisdiction and authority over, property
13 described in subsection (b); and

14 (B) proprietary rights of ownership, and
15 the rights of management, administration, leas-
16 ing, use, and development of property described
17 in subsection (b).

18 (2) CONTROL AND LEGISLATIVE AUTHORITY.—

19 The property described in subsection (b) is placed
20 under the control of the government of Puerto Rico,
21 to be administered for the benefit of the people of
22 Puerto Rico, and the Legislature of Puerto Rico
23 shall have authority, subject to the limitations im-
24 posed upon all its acts, to legislate with respect to

1 all matters it considers advisable relating to that
2 property.

3 (b) DESCRIPTION OF PROPERTY.—The property re-
4 ferred to in subsection (a) is all property that may have
5 been acquired in Puerto Rico by the United States under
6 the cession of Spain in the treaty of peace entered into
7 on December 10, 1898, in any public bridges, road houses,
8 water powers, highways, unnavigable streams and the beds
9 of unnavigable streams, subterranean waters, mines or
10 minerals under the surface of private lands, all property
11 which at the time of the cession belonged, under the laws
12 of Spain then in force, to the various harbor works boards
13 of Puerto Rico, all the harbor shores, docks, slips, re-
14 claimed lands, and all public lands and buildings not re-
15 served by the United States for public purposes prior to
16 March 2, 1917.

17 **§ 20509. Conveyance of lands and buildings**

18 (a) CONVEYANCE TO PUERTO RICO.—The President
19 may, from time to time, convey to the people of Puerto
20 Rico lands, buildings, or interests in lands, or other prop-
21 erty owned by the United States, and located within the
22 territorial limits of Puerto Rico, that in the President's
23 opinion are no longer needed for purposes of the United
24 States.

1 (b) CONVEYANCE FROM PUERTO RICO.—The Presi-
2 dent may, from time to time, accept by legislative grant
3 from Puerto Rico lands, buildings, or other interests or
4 property that may be needed for public purposes by the
5 United States.

6 **§ 20510. Control of harbors and navigable waters**

7 (a) HARBORS AND NAVIGABLE STREAMS.—The har-
8 bor areas and navigable streams and bodies of water and
9 submerged lands underlying the harbor areas, navigable
10 streams, and bodies of water in and around the island of
11 Puerto Rico and the adjacent islands and waters, owned
12 by the United States on March 2, 1917, and not reserved
13 by the United States for public purposes, are placed under
14 the control of the government of Puerto Rico, to be admin-
15 istered in the same manner and subject to the same limita-
16 tions as the property enumerated in sections 20508 and
17 20509 of this title.

18 (b) APPLICABLE LAWS.—All laws of the United
19 States for the protection and improvement of the navi-
20 gable waters of the United States and the preservation
21 of the interests of navigation and commerce, except so far
22 as the laws may be locally inapplicable, shall apply to
23 Puerto Rico and its waters and to its adjacent islands and
24 waters.

1 (c) CONSTRUCTION.—This chapter and sections
2 11301 through 11304, 29105, and 29106 of this title shall
3 not be construed so as to affect or impair the terms or
4 conditions of any authorization, permit, or other power
5 lawfully granted or exercised or in respect of the waters
6 and submerged lands in and surrounding Puerto Rico and
7 its adjacent islands by the Secretary of the Army or other
8 authorized officer or agent of the United States prior to
9 March 2, 1917.

10 (d) MEANING OF CERTAIN CONCEPTS.—Notwith-
11 standing any other provision of law—

12 (1) where reference is made in this section to
13 submerged lands underlying navigable bodies of
14 water, that reference includes—

15 (A) lands permanently or periodically cov-
16 ered by tidal waters up to, but not above, the
17 line of mean high tide;

18 (B) all lands underlying the navigable bod-
19 ies of water in and around the island of Puerto
20 Rico and the adjacent islands; and

21 (C) all artificially made, filled in, or re-
22 claimed lands which formerly were lands be-
23 neath navigable bodies of water;

24 (2) where reference is made in this section to
25 the navigable bodies of water and submerged lands

1 underlying the same in and around the island of
2 Puerto Rico and the adjacent islands and waters,
3 that reference means those navigable bodies of water
4 and submerged lands underlying the same that ex-
5 tend from the coastline of the island of Puerto Rico
6 and the adjacent islands as modified by accretion,
7 erosion, or reliction, seaward to a distance of 3 ma-
8 rine leagues; and

9 (3) as used in subsection (a), the word “con-
10 trol” includes—

11 (A) all right, title, and interest in and to,
12 and jurisdiction and authority over, the sub-
13 merged lands underlying the harbor areas and
14 navigable streams and bodies of water in and
15 around the island of Puerto Rico and the adja-
16 cent islands and waters, and the natural re-
17 sources underlying those submerged lands and
18 waters; and

19 (B) proprietary rights of ownership, and
20 the rights of management, administration, leas-
21 ing, use, and development of those natural re-
22 sources and submerged lands beneath those
23 waters.

1 **§ 20511. United States laws extended to Puerto Rico**

2 (a) STATUTORY LAWS OF UNITED STATES HAVE
3 FORCE AND EFFECT IN PUERTO RICO.—

4 (1) IN GENERAL.—Except as otherwise pro-
5 vided in this chapter and sections 11301 through
6 11304, 29105, and 29106 of this title, the statutory
7 laws of the United States that are not locally inap-
8 plicable shall have the same force and effect in Puer-
9 to Rico as in the United States.

10 (2) EXCEPTION FOR INTERNAL REVENUE
11 LAWS.—Paragraph (1) does not apply to the internal
12 revenue laws.

13 (b) TAXES DEPOSITED IN TREASURY OF PUERTO
14 RICO.—All taxes collected under the internal revenue laws
15 of the United States on articles produced in Puerto Rico
16 and transported to the United States, or consumed in
17 Puerto Rico, shall be paid into the treasury of Puerto
18 Rico.

19 **§ 20512. Judicial process and citizenship of officials**

20 (a) JUDICIAL PROCESS.—All judicial process shall
21 run in the name of “United States of America, ss, the
22 President of the United States”, and all penal or criminal
23 prosecutions in the local courts shall be conducted in the
24 name and by the authority of “The People of Puerto
25 Rico”.

1 (b) CITIZENSHIP OF OFFICIALS.—All officials shall
2 be citizens of the United States, and, before entering upon
3 the duties of their respective offices, the officials shall take
4 an oath to support the Constitution of the United States
5 and the laws of Puerto Rico.

6 **§ 20513. Official reports**

7 A report required by law to be made by the governor
8 or a head of a department to an official of the United
9 States shall be made to an executive department of the
10 Government of the United States to be designated by the
11 President. The President may place all matters pertaining
12 to the government of Puerto Rico in the jurisdiction of
13 the designated department.

14 **§ 20514. Legislative power**

15 The legislative authority shall extend to all matters
16 of a legislative character not locally inapplicable, including
17 the power—

18 (1) to create, consolidate, and reorganize the
19 municipalities as may be necessary;

20 (2) to provide and repeal laws and ordinances
21 for the municipalities; and

22 (3) to alter, amend, modify, or repeal any or all
23 laws and ordinances in force in Puerto Rico or a
24 municipality or district of Puerto Rico on March 2,
25 1917, insofar as the alteration, amendment, modi-

1 **§ 20517. Fees part of the United States revenues**

2 (a) REVENUES OF THE UNITED STATES.—All fees,
3 fines, costs, and forfeitures as would be deposited to the
4 credit of the United States if collected and paid into a
5 district court of the United States shall become revenues
6 of the United States when collected and paid into the
7 United States District Court for the District of Puerto
8 Rico.

9 (b) SUM RETAINED BY CLERK.—The sum of \$500
10 a year from the fees, fines, costs, and forfeitures shall be
11 retained by the clerk and expended for law library pur-
12 poses under the direction of the judge.

13 **§ 20518. Acknowledgment of deeds**

14 (a) WHO MAY ACKNOWLEDGE.—A deed or other in-
15 strument affecting land in the District of Columbia or a
16 territory (including a possession) of the United States may
17 be acknowledged in Puerto Rico before a notary public,
18 appointed by proper authority, or an officer who has ex
19 officio the powers of a notary public.

20 (b) CERTIFICATE.—The certificate by the notary
21 shall be accompanied by a certificate of the executive sec-
22 retary of Puerto Rico to the effect that the notary taking
23 the acknowledgment was in fact the officer the notary pur-
24 ported to be.

1 **Chapter 207—Slum Clearance,**
2 **Urban Redevelopment, and**
3 **Urban Renewal Projects**

Sec.

20701. Definition of public corporate authority.

20702. Public corporate authorities.

20703. Assistance for slum clearance, urban redevelopment, and urban renewal.

20704. Ratification of previous legislation.

4 **§ 20701. Definition of public corporate authority**

5 In this chapter, the term “public corporate authority”
6 means a public corporate authority authorized to under-
7 take slum clearance and urban redevelopment projects and
8 urban renewal projects in Puerto Rico under section
9 20702 of this title.

10 **§ 20702. Public corporate authorities**

11 (a) CREATION OF PUBLIC CORPORATE AUTHORITIES
12 AND SCOPE OF AUTHORIZATION.—

13 (1) IN GENERAL.—The government of Puerto
14 Rico, acting through the Legislature of Puerto Rico,
15 may create 1 or more public corporate authorities
16 and may authorize a public corporate authority cre-
17 ated under this paragraph, or any other public cor-
18 porate authority, or any municipal corporation or
19 political subdivision, acting directly or through an
20 officer or agency thereof, or through a public cor-
21 porate authority—

1 (A) to undertake slum clearance projects,
2 urban redevelopment projects, and urban re-
3 newal projects; and

4 (B) to do all things, exercise all powers,
5 and assume and fulfill all obligations, duties,
6 responsibilities, and requirements, including
7 those relating to planning and zoning, necessary
8 or desirable for receiving Federal assistance
9 under any law for slum clearance projects,
10 urban redevelopment projects, and urban re-
11 newal projects.

12 (2) LIMITATIONS.—A public corporate authority
13 (as distinct from a municipality or political subdivi-
14 sion) created or authorized to operate in accordance
15 with this chapter shall not be given any power of
16 taxation or any power to pledge the full faith and
17 credit of the people of Puerto Rico, or the full faith
18 and credit of a municipality or political subdivision,
19 for any loan.

20 (b) APPOINTMENT OF MEMBERS AND POWERS OF
21 PUBLIC CORPORATE AUTHORITIES.—With respect to any
22 public corporate authority empowered to undertake slum
23 clearance projects, urban redevelopment projects, or urban
24 renewal projects, the Legislature of Puerto Rico may—

1 (1) provide for the appointment and terms of
2 office of the members of the public corporate author-
3 ity; and

4 (2) provide for the powers of the public cor-
5 porate authority, including—

6 (A) the authority to accept whatever bene-
7 fits the Federal Government may make avail-
8 able for slum clearance projects, urban redevel-
9 opment projects, and urban renewal projects;
10 and

11 (B) the authority, notwithstanding any
12 other Federal law, to borrow money and to
13 issue notes, bonds, and other obligations of
14 such character and maturity, with such secu-
15 rity, and in such manner as the Legislature of
16 Puerto Rico may provide.

17 (c) CHARACTER OF NOTES, BONDS, AND OTHER OB-
18 LIGATIONS.—A note, bond, or other obligation issued
19 under subsection (b)(2)(B)—

20 (1) shall not be a debt of the United States, or
21 of Puerto Rico or a municipal corporation or other
22 political subdivision or agency of Puerto Rico, other
23 than the public corporate authority that issued the
24 note, bond, or other obligation; and

1 (2) shall not constitute a debt, indebtedness, or
2 the borrowing of money within the meaning of any
3 limitation or restriction on the issuance of notes,
4 bonds, or other obligations contained in any laws of
5 the United States applicable to Puerto Rico, or to
6 any municipal corporation or other political subdivi-
7 sion or agency of Puerto Rico.

8 **§ 20703. Assistance for slum clearance, urban redevel-**
9 **opment, and urban renewal**

10 The government of Puerto Rico may—

11 (1) assist slum clearance projects, urban rede-
12 velopment projects, and urban renewal projects
13 through cash donations, loans, conveyances of real
14 and personal property, facilities, services, and other
15 items; and

16 (2) authorize municipalities or other political
17 subdivisions, in aid of slum clearance projects, urban
18 redevelopment projects, and urban renewal
19 projects—

20 (A) to make cash donations, loans, and
21 conveyances of real and personal property to
22 public corporate authorities; and

23 (B) to take other action, including fur-
24 nishing or making available facilities and serv-
25 ices.

1 **§ 20704. Ratification of previous legislation**

2 All legislation enacted prior to July 18, 1950, by the
3 Legislature of Puerto Rico that relates to the subject mat-
4 ter of this chapter, and that is not inconsistent with this
5 chapter, is ratified and confirmed.

6 **Chapter 209—Slum Clearance and**
7 **Low-Income Housing Projects**

Sec.

20901. Definition of public corporate authority.

20902. Creation of public corporate authorities.

20903. Commissioners and powers of public corporate authorities.

20904. Support.

20905. Issuance of bonds and obligations.

20906. Ratification of previous legislation.

8 **§ 20901. Definition of public corporate authority**

9 In this chapter, the term “public corporate authority”
10 means a public corporate authority created by the Legisla-
11 ture of Puerto Rico under section 20902 of this title.

12 **§ 20902. Creation of public corporate authorities**

13 The Legislature of Puerto Rico may create 1 or more
14 public corporate authorities to undertake slum clearance
15 and projects to provide dwelling accommodations for fami-
16 lies of low income.

17 **§ 20903. Commissioners and powers of public cor-**
18 **porate authorities**

19 The Legislature of Puerto Rico may—

20 (1) provide for the appointment and terms of
21 the commissioners of a public corporate authority;

1 (2) provide for the powers of a public corporate
2 authority, except that a public corporate authority
3 shall not be given any power of taxation; and

4 (3) authorize the commissioners of a public cor-
5 porate authority to fix the salaries of employees.

6 **§ 20904. Support**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—The
8 Legislature of Puerto Rico may appropriate funds to carry
9 out subsection (b).

10 (b) LOANS, DONATIONS, AND OTHER SUPPORT.—
11 The Legislature of Puerto Rico may—

12 (1) make loans, donations, and conveyances of
13 money or property to a public corporate authority;

14 (2) make available its facilities and services to
15 a public corporate authority; and

16 (3) take other action in aid of slum clearance
17 or low-rent housing.

18 (c) AUTHORIZATION FOR LOANS, DONATIONS, AND
19 OTHER SUPPORT BY MUNICIPALITIES.—The Legislature
20 of Puerto Rico may authorize a municipality of Puerto
21 Rico to—

22 (1) make loans, donations, and conveyances of
23 money or property to a public corporate authority;

24 (2) make available its facilities and services to
25 a public corporate authority; and

1 (3) take other action in aid of slum clearance
2 or low-rent housing.

3 (d) PUBLIC PROPERTY AND LANDS.—Without regard
4 to Federal statutes restricting the disposition of public
5 property or lands in Puerto Rico, the Legislature of Puer-
6 to Rico may provide for the use by a public corporate au-
7 thority, or for the disposal to a public corporate authority,
8 of any public lands or other property held or controlled
9 by the people of Puerto Rico, or its municipalities or other
10 subdivisions.

11 **§ 20905. Issuance of bonds and obligations**

12 (a) AUTHORIZATION FOR PUBLIC CORPORATE AU-
13 THORITY TO ISSUE BONDS OR OTHER OBLIGATIONS.—
14 The Legislature of Puerto Rico may—

15 (1) authorize a public corporate authority to
16 issue a bond or other obligation with such security
17 as the Legislature of Puerto Rico may provide; and

18 (2) provide for the disposition of—

19 (A) the proceeds of a bond issued under
20 paragraph (1); and

21 (B) all receipts and revenues of a public
22 corporate authority.

23 (b) BONDS NOT DEBT OF PUERTO RICO OR MUNICI-
24 PALITIES.—A bond issued by a public corporate authority

1 under subsection (a)(1) shall not be a debt of Puerto Rico
2 or any municipality of Puerto Rico.

3 **§ 20906. Ratification of previous legislation**

4 All legislation enacted prior to June 25, 1938, by the
5 Legislature of Puerto Rico that relates to the subject mat-
6 ter of this chapter, and that is not inconsistent with this
7 chapter, is ratified and confirmed.

8 **Chapters 211 Through 289—Reserved**

9 **Chapter 291—Miscellaneous**

Sec.

29101. Corporate real estate holdings.

29102. Fees and expenses payable from revenue of Puerto Rico.

29103. Public lands and buildings.

29104. Income tax laws.

29105. Writs of habeas corpus and mandamus.

29106. Suits restraining assessment or collection of tax.

10 **§ 29101. Corporate real estate holdings**

11 (a) PURCHASE AND SALE OF REAL ESTATE.—In
12 Puerto Rico, a corporation shall not be authorized to con-
13 duct the business of buying and selling real estate or be
14 permitted to hold or own real estate except as may be rea-
15 sonably necessary to enable the corporation to carry out
16 the purposes for which the corporation was created.

17 (b) CORPORATIONS ENGAGED IN AGRICULTURE.—In
18 Puerto Rico, a corporation authorized after May 1, 1900,
19 to engage in agriculture shall by its charter be restricted
20 to the ownership and control of not more than 500 acres
21 of land. This subsection shall be held to prevent a member

1 of a corporation engaged in agriculture from being inter-
2 ested in another corporation engaged in agriculture.

3 (c) LOANS.—In Puerto Rico, a corporation may loan
4 funds upon real estate security, and purchase real estate
5 when necessary for the collection of a loan, but the cor-
6 poration shall dispose of real estate obtained under this
7 subsection not later than 5 years after receiving title to
8 the real estate.

9 (d) CORPORATIONS ORGANIZED OUTSIDE PUERTO
10 RICO.—A corporation that is not organized in Puerto
11 Rico, but that is doing business in Puerto Rico, shall be
12 bound by the provisions of this section so far as the provi-
13 sions are applicable.

14 **§ 29102. Fees and expenses payable from revenue of**
15 **Puerto Rico**

16 The fees and expenses payable by the United States
17 if earned or incurred in connection with a circuit or dis-
18 trict court of the United States shall be paid from the
19 revenue of Puerto Rico if earned or incurred in connection
20 with the United States District Court for the District of
21 Puerto Rico.

22 **§ 29103. Public lands and buildings**

23 (a) GRANT OF PUBLIC LANDS AND BUILDINGS TO
24 GOVERNMENT OF PUERTO RICO.—

1 (1) IN GENERAL.—The public lands and build-
2 ings described in paragraph (2) are granted to the
3 government of Puerto Rico, to be held or disposed
4 of for the use and benefit of the people of Puerto
5 Rico.

6 (2) DESCRIPTION OF PUBLIC LANDS AND
7 BUILDINGS.—The public lands and buildings re-
8 ferred to in paragraph (1) are all public lands and
9 buildings owned by the United States in Puerto Rico
10 on July 1, 1902, except—

11 (A) harbor areas and navigable streams
12 and bodies of water and the submerged lands
13 underlying the harbor areas and navigable
14 streams and bodies of water; and

15 (B) public lands and buildings reserved by
16 the President of the United States as provided
17 in section 1 of the Act of July 1, 1902 (ch.
18 1383, 32 Stat. 731).

19 (b) RELEASE OF RESERVED LANDS OR BUILD-
20 INGS.—The grant in subsection (a)(1) is made on the ex-
21 press condition that the government of Puerto Rico, by
22 proper authority, release to the United States any interest
23 in, or claim on, lands or buildings reserved by the Presi-
24 dent of the United States as provided in section 1 of the
25 Act of July 1, 1902 (ch. 1383, 32 Stat. 731).

1 (c) PRIOR LEGAL OR EQUITABLE RIGHTS.—This sec-
2 tion shall not be construed to affect any legal or equitable
3 rights acquired by the government of Puerto Rico, or by
4 any other party, under a contract, lease, or license made
5 by the United States authorities prior to May 1, 1900.

6 **§ 29104. Income tax laws**

7 The Legislature of Puerto Rico shall have power by
8 due enactment to amend, alter, modify, or repeal the in-
9 come tax laws in force in Puerto Rico.

10 **§ 29105. Writs of habeas corpus and mandamus**

11 (a) WRITS OF HABEAS CORPUS.—The judges of the
12 supreme and district courts of Puerto Rico may grant
13 writs of habeas corpus in all cases in which writs of habeas
14 corpus are grantable by the judges of the district courts
15 of the United States.

16 (b) WRITS OF MANDAMUS.—The district courts of
17 Puerto Rico may grant writs of mandamus in all proper
18 cases.

19 **§ 29106. Suits restraining assessment or collection of**
20 **tax**

21 A suit for the purpose of restraining the assessment
22 or collection of a tax imposed by the laws of Puerto Rico
23 shall not be maintained in the United States District
24 Court for the District of Puerto Rico.

1 **Division B—Guam**
2 **Chapter 301—Organic Provisions**

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1 **Subchapter I—General Provisions**

2 **§ 30101. Territory included under the name Guam**

3 The territory ceded to the United States in accord-
4 ance with the provisions of the Treaty of Peace between
5 the United States and Spain, signed at Paris, December
6 10, 1898, and proclaimed April 11, 1899, and known as
7 the island of Guam in the Marianas Islands, shall continue
8 to be known as Guam.

9 **§ 30102. Relationship to the United States**

10 Guam is declared to be an unincorporated territory
11 of the United States.

12 **§ 30103. Local government**

13 (a) CAPITAL AND SEAT OF LOCAL GOVERNMENT.—
14 The capital and seat of government shall be located at the
15 city of Agana, Guam.

16 (b) LOCAL GOVERNMENT POWERS.—The govern-
17 ment of Guam—

18 (1) shall have the powers set forth in this chap-
19 ter;

20 (2) shall have power to sue by its name; and

21 (3) with the consent of the legislature evidenced
22 by enacted law, may be sued upon a contract entered
23 into with respect to, or a tort committed incident to,

1 the exercise by the government of Guam of its lawful
2 powers.

3 (c) LOCAL GOVERNMENT STRUCTURE.—The govern-
4 ment of Guam shall consist of three branches: executive,
5 legislative, and judicial.

6 (d) RELATIONS WITH FEDERAL GOVERNMENT.—
7 The relations of the government of Guam with the Federal
8 Government shall be under the general administrative su-
9 pervision of the Secretary of the Interior in all matters
10 that are not the program responsibility of another Federal
11 department or agency.

12 **§ 30104. Bill of rights**

13 (a) PARTICULAR FREEDOMS.—No law shall be en-
14 acted in Guam respecting an establishment of religion or
15 prohibiting the free exercise thereof, or abridging the free-
16 dom of speech, or of the press, or the right of the people
17 peaceably to assemble and to petition the government for
18 a redress of the people's grievances.

19 (b) QUARTERING SOLDIERS.—No soldier shall, in
20 time of peace, be quartered in a house, without the consent
21 of the owner, nor in time of war, but in a manner to be
22 prescribed by law.

23 (c) SEARCH AND SEIZURE; WARRANTS.—The right
24 of the people to be secure in their persons, houses, papers,
25 and effects, against unreasonable searches and seizures,

1 shall not be violated. No warrant for arrest or search shall
2 issue but upon probable cause, supported by oath or affir-
3 mation, and particularly describing the place to be
4 searched and the person or things to be seized.

5 (d) DOUBLE JEOPARDY.—No person shall be subject
6 for the same offense to be twice put in jeopardy of punish-
7 ment.

8 (e) SELF-INCRIMINATION.—No person shall be com-
9 pelled in a criminal case to be a witness against one's self.

10 (f) DUE PROCESS.—No person shall be deprived of
11 life, liberty, or property without due process of law.

12 (g) TAKINGS COMPENSATION.—Private property
13 shall not be taken for public use without just compensa-
14 tion.

15 (h) RIGHTS OF THE ACCUSED.—In all criminal pros-
16 ecutions, the accused shall have the right—

17 (1) to a speedy and public trial;

18 (2) to be informed of the nature and cause of
19 the accusation and to have a copy thereof;

20 (3) to be confronted with the witnesses against
21 the accused;

22 (4) to have compulsory process for obtaining
23 witnesses in the accused's favor; and

24 (5) to have the assistance of counsel for the
25 accused's defense.

1 (i) BAIL; FINES; PUNISHMENT.—Excessive bail shall
2 not be required, nor excessive fines imposed, nor cruel and
3 unusual punishments inflicted.

4 (j) SLAVERY; INVOLUNTARY SERVITUDE.—Neither
5 slavery nor involuntary servitude, except as a punishment
6 for crime for which the party has been duly convicted,
7 shall exist in Guam.

8 (k) BILL OF ATTAINDER; EX POST FACTO; CON-
9 TRACTS.—No bill of attainder, ex post facto law, or law
10 impairing the obligation of contracts shall be enacted.

11 (l) DEBT.—No person shall be imprisoned for debt.

12 (m) HABEAS CORPUS.—The privilege of the writ of
13 habeas corpus shall not be suspended, unless, when in
14 cases of rebellion or invasion or imminent danger of rebel-
15 lion or invasion, the public safety requires suspension.

16 (n) VOTER QUALIFICATION.—No qualification with
17 respect to property, income, political opinion, or any other
18 matter apart from citizenship, civil capacity, and residence
19 shall be imposed upon a voter.

20 (o) DISCRIMINATION PROHIBITED.—No discrimina-
21 tion shall be made in Guam against a person on account
22 of race, language, or religion, nor shall the equal protec-
23 tion of the laws be denied.

24 (p) TREASON.—No person shall be convicted of trea-
25 son against the United States unless on the testimony of

1 2 witnesses to the same overt act, or on confession in open
2 court.

3 (q) RELIGIOUS SUPPORT.—No public money or prop-
4 erty shall be appropriated, supplied, donated, or used, di-
5 rectly or indirectly, for the use, benefit, or support of a
6 sect, church, denomination, sectarian institution, or asso-
7 ciation, or system of religion, or for the use, benefit, or
8 support of a priest, preacher, minister, or other religious
9 teacher or dignitary as such.

10 (r) CHILD EMPLOYMENT.—The employment of chil-
11 dren under the age of 14 years in an occupation injurious
12 to health or morals or hazardous to life or limb is prohib-
13 ited.

14 (s) COMPULSORY EDUCATION.—There shall be com-
15 pulsory education for all children between the ages of 6
16 and 16 years.

17 (t) QUALIFICATIONS FOR OFFICE OR PUBLIC
18 TRUST.—

19 (1) NO RELIGIOUS TEST.—No religious test
20 shall be required as a qualification to an office or
21 public trust under the government of Guam.

22 (2) SUPPORT OF GOVERNMENT.—No person
23 who advocates, or who aids or belongs to a party, or-
24 ganization, or association that advocates, the over-
25 throw by force or violence of the government of

1 Guam or of the United States shall be qualified to
2 hold a public office of trust or profit under the gov-
3 ernment of Guam.

4 (u) EXTENSION OF UNITED STATES CONSTITU-
5 TION.—The following provisions of and amendments to
6 the Constitution of the United States are extended to
7 Guam to the extent that they have not been previously
8 extended and shall have the same force and effect as in
9 the United States or in a State of the United States—

10 (1) article I, section 9, clauses 2 and 3;

11 (2) article IV, section 1 and section 2, clause 1;

12 (3) the 1st to 9th amendments inclusive;

13 (4) the 13th amendment;

14 (5) the 2d sentence of section 1 of the 14th
15 amendment; and

16 (6) the 15th and 19th amendments.

17 (v) INCONSISTENT LAWS.—Laws enacted by Con-
18 gress with respect to Guam and laws enacted by the legis-
19 lature of Guam that are inconsistent with the provisions
20 of subsection (u) are repealed to the extent of the incon-
21 sistency.

22 **§ 30105. Certain laws continued in force**

23 The laws of Guam in force on August 1, 1950, except
24 as amended by this chapter, are continued in force, subject
25 to modification or repeal by Congress or the legislature

1 of Guam, and all laws of Guam inconsistent with the pro-
2 visions of this chapter are repealed to the extent of the
3 inconsistency.

4 **§30106. Salaries and allowances of officers and em-**
5 **ployees**

6 The salaries and travel allowances of the Governor,
7 Lieutenant Governor, the heads of the executive depart-
8 ments, other officers and employees of the government of
9 Guam, and the members of the legislature, shall be paid
10 by the government of Guam at rates prescribed by the
11 laws of Guam.

12 **§30107. Establishment and maintenance of public**
13 **bodies and offices**

14 (a) PUBLIC HEALTH SERVICES.—Subject to the laws
15 of Guam, the Governor shall establish, maintain, and oper-
16 ate public health services in Guam, including hospitals,
17 dispensaries, and quarantine stations, at places in Guam
18 as may be necessary. The Governor shall promulgate quar-
19 antine and sanitary regulations for the protection of Guam
20 against the importation and spread of disease.

21 (b) PUBLIC EDUCATIONAL SYSTEM.—The govern-
22 ment of Guam shall provide an adequate public edu-
23 cational system of Guam, and to that end shall establish,
24 maintain, and operate public schools according to the laws
25 of Guam.

1 (c) OFFICE OF PUBLIC PROSECUTOR AND OFFICE OF
2 PUBLIC AUDITOR.—The government of Guam may by law
3 establish an Office of Public Prosecutor and an Office of
4 Public Auditor. The Public Prosecutor and Public Auditor
5 may be removed as provided by the laws of Guam.

6 (d) ATTORNEY GENERAL.—

7 (1) IN GENERAL.—The Attorney General of
8 Guam shall be the Chief Legal Officer of the govern-
9 ment of Guam.

10 (2) APPOINTED ATTORNEY GENERAL.—When
11 the Office of the Attorney General of Guam becomes
12 vacant, the Attorney General of Guam shall be ap-
13 pointed by the Governor of Guam with the advice
14 and consent of the legislature, and shall serve at the
15 pleasure of the Governor of Guam.

16 (3) ELECTED ATTORNEY GENERAL.—Instead of
17 an appointed Attorney General, the legislature may,
18 by law, provide for the election of the Attorney Gen-
19 eral of Guam by the qualified voters of Guam in
20 general elections in which the Governor of Guam is
21 elected.

22 (4) ELECTED ATTORNEY GENERAL TERM.—The
23 term of an elected Attorney General shall be 4 years.
24 The Attorney General may be removed for cause in

1 accordance with procedures established by the legis-
2 lature in law.

3 (5) VACANCY OF ELECTED ATTORNEY GEN-
4 ERAL.—A vacancy in the office of an elected Attor-
5 ney General shall be filled—

6 (A) by appointment by the Governor of
7 Guam if a vacancy occurs less than 6 months
8 before a general election for the Office of Attor-
9 ney General of Guam; or

10 (B) by a special election held no sooner
11 than 3 months after the vacancy occurs and no
12 later than 6 months before a general election
13 for Attorney General of Guam, and by appoint-
14 ment by the Governor of Guam pending a spe-
15 cial election under this clause.

16 **Subchapter II—Executive Branch**

17 **§ 30121. Governor and Lieutenant Governor**

18 (a) GOVERNOR.—The executive power of Guam shall
19 be vested in an executive officer whose official title shall
20 be the “Governor of Guam”.

21 (b) LIEUTENANT GOVERNOR.—There is established
22 the office of Lieutenant Governor of Guam. The Lieuten-
23 ant Governor shall have the executive powers and perform
24 the duties as are assigned to the Lieutenant Governor by

1 the Governor or prescribed by this chapter or under the
2 laws of Guam.

3 **§ 30122. Eligibility**

4 An individual shall be eligible for election to the office
5 of Governor or Lieutenant Governor only if the indi-
6 vidual—

7 (1) is an eligible voter;

8 (2) has been a citizen of the United States and
9 a bona fide resident of Guam for at least 5 consecu-
10 tive years immediately preceding the election; and

11 (3) will be, at the time of taking office, at least
12 30 years of age.

13 **§ 30123. Governor's residence**

14 The Governor shall maintain the Governor's official
15 residence in Guam during the Governor's incumbency.

16 **§ 30124. Elections**

17 (a) MAJORITY OF VOTES.—The Governor of Guam,
18 together with the Lieutenant Governor, shall be elected by
19 a majority of the votes cast by the people who are qualified
20 to vote for the members of the legislature of Guam.

21 (b) SINGLE VOTE FOR BOTH OFFICES.—The Gov-
22 ernor and Lieutenant Governor shall be chosen jointly, by
23 the casting by each voter of a single vote applicable to
24 both offices.

1 (c) RUNOFF ELECTION.—If no candidates receive a
2 majority of the votes cast in an election, on the 14th day
3 after the election, a runoff election shall be held between
4 the candidates for Governor and Lieutenant Governor re-
5 ceiving the highest and 2d highest number of votes cast.

6 (d) FREQUENCY OF ELECTION.—Beginning with the
7 year 1974, the Governor and Lieutenant Governor shall
8 be elected every 4 years at the general election.

9 **§ 30125. Term of office**

10 (a) LENGTH OF TERM.—The Governor and Lieuten-
11 ant Governor shall hold office for a term of 4 years and
12 until successors are elected and qualified.

13 (b) LIMITATIONS.—An individual who has been elect-
14 ed Governor for 2 full successive terms shall not again
15 be eligible to hold that office until 1 full term has inter-
16 vened.

17 (c) COMMENCEMENT OF TERM.—The term of the
18 elected Governor and Lieutenant Governor shall com-
19 mence on the 1st Monday of January following the date
20 of election.

21 **§ 30126. Powers and duties of Governor**

22 (a) SUPERVISION AND CONTROL.—The Governor
23 shall have general supervision and control of all the de-
24 partments, bureaus, agencies, and other instrumentalities
25 of the executive branch of the government of Guam.

1 (b) PARDONS AND REPRIEVES.—The Governor may
2 grant pardons and reprieves and remit fines and forfeit-
3 ures for offenses against local laws.

4 (c) VETO POWER.—The Governor may veto any legis-
5 lation as provided in this chapter.

6 (d) APPOINTMENT AND REMOVAL POWER.—The
7 Governor shall appoint, and may remove, all officers and
8 employees of the executive branch of the government of
9 Guam, except as otherwise provided in this chapter or any
10 other Act of Congress, or under the laws of Guam, and
11 shall commission all officers that the Governor may be au-
12 thorized to appoint.

13 (e) EXECUTION OF LAWS.—The Governor shall be re-
14 sponsible for the faithful execution of the laws of Guam
15 and the laws of the United States applicable in Guam.

16 (f) SUMMONING ASSISTANCE.—Whenever it becomes
17 necessary, in case of disaster, invasion, insurrection, or re-
18 bellion, or imminent danger of disaster, invasion, insurrec-
19 tion, or rebellion, or to prevent or suppress lawless vio-
20 lence, the Governor may summon the posse comitatus or
21 call out the militia or request assistance of the senior mili-
22 tary or naval commander of the Armed Forces of the
23 United States in Guam, which may be given at the discre-
24 tion of the commander if not disruptive of, or inconsistent
25 with, the commander's Federal responsibilities.

1 (g) DECLARATION OF MARTIAL LAW.—The Governor
2 may, in case of rebellion or invasion, or imminent danger
3 of rebellion or invasion, when the public safety requires
4 it, proclaim the island, insofar as it is under the jurisdic-
5 tion of the government of Guam, to be under martial law.
6 The members of the legislature shall meet immediately on
7 their own initiative and may, by a $\frac{2}{3}$ vote, revoke the proc-
8 lamation.

9 (h) REPORTS.—The Governor shall prepare, publish,
10 and submit to Congress and the Secretary of the Interior
11 a comprehensive annual financial report in conformance
12 with the standards of the National Council on Govern-
13 mental Accounting not later than 120 days after the close
14 of the fiscal year. The comprehensive annual financial re-
15 port shall include statistical data as set forth in the stand-
16 ards of the National Council on Governmental Accounting
17 relating to the physical, economic, social, and political
18 characteristics of the government, and any other informa-
19 tion required by Congress. The Governor shall also make
20 other reports at other times as may be required by Con-
21 gress or under applicable Federal law.

22 (i) EXECUTIVE ORDERS AND REGULATIONS.—The
23 Governor may issue executive orders and regulations not
24 in conflict with any applicable law.

1 (j) RELATIONSHIP WITH LEGISLATURE.—The Gov-
2 ernor may recommend bills to the legislature and give ex-
3 pression to the Governor’s views on any matter before the
4 legislature.

5 **§ 30127. Removal of Governor, Lieutenant Governor,**
6 **or member of legislature**

7 (a) INITIATIVE AND REFERENDUM.—The people of
8 Guam shall have the right of initiative and referendum,
9 to be exercised under conditions and procedures specified
10 in the laws of Guam.

11 (b) VOTES NEEDED FOR REMOVAL.—The Governor,
12 Lieutenant Governor, or a member of the legislature of
13 Guam may be removed from office by a referendum elec-
14 tion in which—

15 (1) at least $\frac{2}{3}$ of the number of individuals vot-
16 ing for the official subject to removal in the last pre-
17 ceding general election at which the official was
18 elected vote in favor of recall; and

19 (2) those voting in favor of recall constitute a
20 majority of all those participating in the referendum
21 election.

22 (c) REFERENDUM ELECTION PROCEDURE.—The ref-
23 erendum election shall be initiated by the legislature of
24 Guam following a—

1 (1) $\frac{2}{3}$ vote of the members of the legislature in
2 favor of a referendum; or

3 (2) petition for a referendum to the legislature
4 by registered voters equal in number to at least 50
5 percent of the whole number of votes cast at the last
6 general election at which the official subject to re-
7 moval was elected preceding the filing of the peti-
8 tion.

9 **§ 30128. Vacancy in office**

10 (a) VACANCY IN OFFICE OF GOVERNOR.—

11 (1) TEMPORARY DISABILITY OR ABSENCE.—In
12 case of the temporary disability or temporary ab-
13 sence of the Governor, the Lieutenant Governor
14 shall have the powers of the Governor.

15 (2) PERMANENT VACANCY.—In case of a per-
16 manent vacancy in the office of Governor, arising by
17 reason of the death, resignation, removal by recall,
18 or permanent disability of the Governor, or the
19 death, resignation, or permanent disability of a Gov-
20 ernor-elect, or for any other reason, the Lieutenant
21 Governor or Lieutenant Governor-elect shall become
22 the Governor, to hold office for the unexpired term
23 and until that individual (or that individual's suc-
24 cessor) is duly elected and qualified at the next reg-
25 ular election for Governor.

1 (b) VACANCY IN OFFICE OF LIEUTENANT GOV-
2 ERNOR.—

3 (1) TEMPORARY DISABILITY OR ABSENCE.—In
4 case of the temporary disability or temporary ab-
5 sence of the Lieutenant Governor, or during any pe-
6 riod when the Lieutenant Governor is acting as Gov-
7 ernor, the speaker of the Guam legislature shall act
8 as Lieutenant Governor.

9 (2) PERMANENT VACANCY.—In case of a per-
10 manent vacancy in the office of Lieutenant Gov-
11 ernor, arising by reason of the death, resignation, or
12 permanent disability of the Lieutenant Governor, or
13 because the Lieutenant Governor or Lieutenant Gov-
14 ernor-elect has succeeded to the office of Governor,
15 the Governor shall appoint a new Lieutenant Gov-
16 ernor, with the advice and consent of the legislature,
17 to hold office for the unexpired term and until that
18 individual (or that individual's successor) is duly
19 elected and qualified at the next regular election for
20 Lieutenant Governor.

21 (c) VACANCY IN OFFICE OF GOVERNOR AND LIEU-
22 TENANT GOVERNOR.—

23 (1) TEMPORARY DISABILITY OR ABSENCE.—In
24 case of the temporary disability or temporary ab-
25 sence of both the Governor and the Lieutenant Gov-

1 error, the powers of the Governor shall be exercised
2 by an individual who serves as Acting Governor as
3 prescribed by the laws of Guam.

4 (2) PERMANENT VACANCY.—In case of a per-
5 manent vacancy in the offices of both the Governor
6 and Lieutenant Governor, the office of Governor
7 shall be filled for the unexpired term in the manner
8 prescribed by the laws of Guam.

9 (d) ADDITIONAL COMPENSATION.—No additional
10 compensation shall be paid to an individual acting as Gov-
11 ernor or Lieutenant Governor who does not also assume
12 the office of Governor or Lieutenant Governor under the
13 provisions of this chapter.

14 **§ 30129. Executive agencies and instrumentalities**

15 (a) APPOINTMENT OF HEADS.—The Governor shall,
16 except as otherwise provided in this chapter or the laws
17 of Guam, appoint, by and with the advice and consent of
18 the legislature, all heads of executive agencies and instru-
19 mentalities. The legislature shall establish a merit system
20 and, as far as practicable, appointments and promotions
21 shall be made in accordance with the merit system. The
22 government of Guam may by law establish a Civil Service
23 Commission to administer the merit system. Members of
24 the commission may be removed as provided by the laws
25 of Guam.

1 (b) POWERS AND DUTIES OF OFFICERS.—Officers
2 shall have such powers and duties as may be conferred
3 or imposed on them by law or by executive regulation of
4 the Governor not inconsistent with any law.

5 (c) REORGANIZATION.—The Governor shall, from
6 time to time, examine the organization of the executive
7 branch of the government of Guam, and shall determine
8 and carry out such changes as are necessary to promote
9 effective management and to execute faithfully the pur-
10 poses of this chapter and the laws of Guam.

11 **§ 30130. Functions, powers, and duties vested**

12 (a) AUDITING AND REPORTING AUTHORITY.—The
13 following functions, powers, and duties are vested in the
14 Inspector General, Department of the Interior, for the
15 purpose of establishing an organization that will maintain
16 a satisfactory level of independent audit oversight of the
17 government of Guam:

18 (1) The authority to audit accounts pertaining
19 to the revenue and receipts of the government of
20 Guam, and of funds derived from bond issues, and
21 the authority to audit, in accordance with law and
22 administrative regulations, expenditures of funds
23 and property pertaining to the government of Guam,
24 including those pertaining to trust funds held by the
25 government of Guam.

1 (2) The authority to report to the Secretary of
2 the Interior and the Governor of Guam failures to
3 collect amounts due the government, and expendi-
4 tures of funds or uses of property that are irregular
5 or not pursuant to law.

6 (b) SCOPE OF AUTHORITY.—The authority granted
7 in subsection (a) shall extend to all activities of the gov-
8 ernment of Guam, and shall be in addition to the authority
9 conferred upon the Inspector General by chapter 4 of title
10 5.

11 **Subchapter III—Legislative Branch**

12 **§ 30141. Legislature of Guam**

13 (a) IN GENERAL.—The legislative power and author-
14 ity of Guam shall be vested in a legislature, consisting of
15 a single house, to be designated the “Legislature of
16 Guam”, referred to in this chapter as the legislature.

17 (b) COMPOSITION.—The legislature shall be com-
18 posed of not more than 21 members, to be known as sen-
19 ators.

20 (c) ELECTION OF MEMBERS.—The members shall be
21 elected at large, elected from legislative districts, or elect-
22 ed in part at large and in part from legislative districts,
23 as the laws of Guam may direct.

24 (d) EQUAL PROTECTION.—Districting and apportion-
25 ment pursuant to this authorization and provided for by

1 the laws of Guam shall not deny to any individual in Guam
2 the equal protection of the laws.

3 (e) VOTING FOR MEMBERS.—In elections to the legis-
4 lature, an elector shall be permitted to vote for the whole
5 number of at-large candidates to be elected, and an elector
6 residing in a legislative district shall be permitted to vote
7 for the whole number of candidates to be elected within
8 that district.

9 (f) DISTRICTING AND APPORTIONMENT.—Districting
10 and related apportionment pursuant to this section shall
11 be based upon the then most recent Federal population
12 census of Guam, and the districting and apportionment
13 shall be reexamined following each successive Federal pop-
14 ulation census of Guam and shall be modified, if nec-
15 essary, to be consistent with the census.

16 (g) TIMING OF ELECTIONS.—General elections to the
17 legislature shall be held on the Tuesday next after the 1st
18 Monday in November, biennially in even-numbered years.

19 (h) ORGANIZATION.—The legislature in all respects
20 shall be organized and shall sit according to the laws of
21 Guam.

22 § 30142. Legislative powers

23 (a) IN GENERAL.—The legislative power of Guam
24 shall extend to all rightful subjects of legislation not incon-

1 sistent with the provisions of this chapter and the laws
2 of the United States applicable to Guam.

3 (b) TAXES AND ASSESSMENTS.—Taxes and assess-
4 ments on property, internal revenues, sales, license fees,
5 and royalties for franchises, privileges, and concessions
6 may be imposed for purposes of the government of Guam
7 as may be uniformly provided by the legislature of Guam.
8 When necessary to anticipate taxes and revenues, bonds
9 and other obligations may be issued by the government
10 of Guam.

11 (c) LIMIT ON PUBLIC INDEBTEDNESS.—Public in-
12 debtedness of Guam shall not be authorized or allowed in
13 excess of 10 percent of the aggregate tax valuation of the
14 property in Guam. Bonds or other obligations of the gov-
15 ernment of Guam payable solely from revenues derived
16 from a public improvement or undertaking shall not be
17 considered public indebtedness of Guam within the mean-
18 ing of this subsection.

19 (d) EXEMPTION FROM TAXATION.—Bonds issued by
20 the government of Guam or by its authority shall be ex-
21 empt, as to principal and interest, from taxation by—

- 22 (1) the Government of the United States;
- 23 (2) the government of Guam;
- 24 (3) a State or territory;

1 (4) a political subdivision of a State or terri-
2 tory; or

3 (5) the District of Columbia.

4 **§ 30143. Legislative operation**

5 (a) SELECTION AND QUALIFICATION OF MEM-
6 BERS.—The legislature shall be the judge of the selection
7 and qualification of its own members.

8 (b) OFFICERS AND GOVERNANCE.—The legislature
9 shall choose from its members its own officers, determine
10 its rules and procedure, not inconsistent with this chapter,
11 and keep a journal.

12 (c) QUORUM.—The quorum of the legislature shall
13 consist of a simple majority of its members.

14 (d) PASSAGE OF BILLS.—A bill shall not become a
15 law unless it shall have been passed at a meeting, at which
16 a quorum was present, by the affirmative vote of a major-
17 ity of the members present and voting, which vote shall
18 be by yeas and nays.

19 **§ 30144. Member privileges**

20 (a) PRIVILEGE FROM ARREST.—The members of the
21 legislature shall, in all cases except treason, felony, or
22 breach of the peace, be privileged from arrest during at-
23 tendance at the legislature and in going to and returning
24 from the legislature.

1 (b) SPEECH OR DEBATE.—A member of the legisla-
2 ture shall not be held to answer before a tribunal other
3 than the legislature itself for any speech or debate in the
4 legislature.

5 **§ 30145. Oath of office**

6 Every member of the legislature and all officers of
7 the government of Guam shall take the following oath or
8 affirmation: “I solemnly swear (or affirm) in the presence
9 of Almighty God that I will well and faithfully support
10 the Constitution of the United States, the laws of the
11 United States applicable to Guam and the laws of Guam,
12 and that I will conscientiously and impartially discharge
13 my duties as a member of the Guam legislature (or as
14 an officer of the government of Guam).”

15 **§ 30146. Prohibition against acceptance of salary in-**
16 **creases or newly created offices**

17 A member of the legislature shall not, during the
18 term for which the member was elected or during the year
19 following the expiration of that term, be appointed to an
20 office that has been created, or the salary or emoluments
21 of which have been increased, during that term.

22 **§ 30147. Qualifications of members**

23 To sit in the legislature, an individual—

- 24 (1) shall be a citizen of the United States;
25 (2) shall have attained the age of 25 years;

1 (3) shall have been domiciled in Guam for at
2 least 5 years immediately preceding the sitting of
3 the legislature in which the individual seeks to qual-
4 ify as a member; and

5 (4) shall not have been convicted of a felony or
6 a crime involving moral turpitude, unless the indi-
7 vidual has received a pardon restoring the individ-
8 ual's civil rights.

9 **§ 30148. Vacancies**

10 Vacancies occurring in the legislature shall be filled
11 as the legislature shall provide, except that an individual
12 filling a vacancy shall not hold office longer than for the
13 remainder of the term for which the individual's prede-
14 cessor was elected.

15 **§ 30149. Legislative sessions**

16 (a) REGULAR SESSIONS.—Regular sessions of the
17 legislature shall be held annually, commencing on the 2d
18 Monday in January (unless the legislature shall by law
19 fix a different date), and shall continue for the term as
20 the legislature may provide.

21 (b) SPECIAL SESSIONS.—The Governor may call spe-
22 cial sessions of the legislature at any time when, in the
23 Governor's opinion, the public interest may require it. No
24 legislation shall be considered at a special session other
25 than that specified in the call for the special session or

1 in a special message by the Governor to the legislature
2 while in the special session.

3 (c) OPEN TO PUBLIC.—All sessions of the legislature
4 shall be open to the public.

5 **§ 30150. Approval of bills**

6 (a) PRESENTMENT TO GOVERNOR.—A bill passed by
7 the legislature shall, before it becomes a law, be entered
8 on the journal and presented to the Governor.

9 (b) GOVERNOR'S ACTIONS.—

10 (1) APPROVAL.—If the Governor approves the
11 bill, the Governor shall sign the bill.

12 (2) RETURN TO LEGISLATURE.—If the Gov-
13 ernor does not approve the bill, the Governor shall,
14 except as provided in this section, return the bill,
15 with the Governor's objections, to the legislature
16 within 10 days (Sundays excepted) after the bill was
17 presented to the Governor.

18 (3) NO ACTION.—If the Governor does not re-
19 turn the bill within the 10-day period described in
20 paragraph (2), the bill shall be a law as if the Gov-
21 ernor signed it, unless the legislature by adjourn-
22 ment prevents the bill's return, in which case the bill
23 shall be a law if signed by the Governor within 30
24 days after the bill was presented to the Governor;
25 otherwise it shall not be a law.

1 (c) LEGISLATIVE OVERRIDE.—If a bill is returned by
2 the Governor to the legislature with the Governor’s objec-
3 tions, the legislature shall enter the objections at large on
4 its journal and, on motion of a member of the legislature,
5 proceed to reconsider the bill. If, after the reconsideration,
6 $\frac{2}{3}$ of all the members of the legislature pass the bill, it
7 shall be a law.

8 (d) OBJECTIONS TO APPROPRIATIONS.—If a bill pre-
9 sented to the Governor contains several items of appro-
10 priation of money, the Governor may object to 1 or more
11 of the items, or any part or parts, portion or portions of
12 the items, while approving the other items, parts, or por-
13 tions of the bill. The Governor shall append to the bill
14 at the time of signing it, a statement of the items, or parts
15 or portions of the items, to which the Governor objects,
16 and the items, or parts or portions of the items, so ob-
17 jected to shall not take effect.

18 (e) CONGRESSIONAL ANNULMENT.—Laws enacted by
19 the legislature shall be reported by the Governor to the
20 Secretary of the Interior or the head of another Federal
21 department or agency as provided in section 30103(d) of
22 this title. Congress reserves the power and authority to
23 annul the laws.

1 **§ 30151. Authorization of appropriations**

2 (a) MADE BY LEGISLATURE.—Appropriations, except
3 as otherwise provided in this chapter, and except appro-
4 priations as shall be made from time to time by Congress,
5 shall be made by the legislature.

6 (b) REAPPROPRIATION.—If, at the termination of a
7 fiscal year, the legislature shall have failed to pass appro-
8 priation bills providing for payment of the necessary cur-
9 rent expenses of the government and meeting its legal obli-
10 gations for the ensuing fiscal year, then the several sums
11 appropriated in the last appropriation bills for the objects
12 and purposes specified in those bills, so far as the sums
13 may be applicable, shall be deemed to be reappropriated,
14 item by item.

15 **§ 30152. Right of petition**

16 The legislature or any person or group of persons in
17 Guam shall have the unrestricted right of petition. It shall
18 be the duty of all officers of the government to receive
19 and without delay to act upon or forward, as the case may
20 require, any petition.

21 **Subchapter IV—Judicial Branch**

22 **§ 30161. Judicial authority**

23 (a) JUDICIAL AUTHORITY.—The judicial authority of
24 Guam shall be vested in—

25 (1) a court established by Congress designated
26 as the “District Court of Guam”; and

1 (2) a judicial branch of Guam that shall con-
2 stitute a unified judicial system and include—

3 (A) an appellate court designated as the
4 “Supreme Court of Guam”;

5 (B) a trial court designated as the “Supe-
6 rior Court of Guam”; and

7 (C) other lower local courts established by
8 the laws of Guam.

9 (b) DIVISIONS OF COURTS.—The Supreme Court of
10 Guam may, by its rules, create divisions of the Superior
11 Court of Guam and other local courts of Guam.

12 **§ 30162. Courts of record**

13 The courts of record for Guam shall be—

14 (1) the District Court of Guam;

15 (2) the Supreme Court of Guam;

16 (3) the Superior Court of Guam (except the
17 Traffic and Small Claims divisions of the Superior
18 Court of Guam); and

19 (4) any other local courts or divisions of local
20 courts that the Supreme Court of Guam shall des-
21 ignate.

22 **§ 30163. District court jurisdiction**

23 (a) IN GENERAL.—The District Court of Guam shall
24 have the jurisdiction of a district court of the United
25 States, including the diversity jurisdiction provided for in

1 section 1332 of title 28, and that of a bankruptcy court
2 of the United States.

3 (b) ORIGINAL JURISDICTION.—In addition to the ju-
4 risdiction described in subsection (a), the District Court
5 of Guam shall have original jurisdiction in all other causes
6 in Guam if jurisdiction is not vested by the legislature in
7 another court established by the legislature. In causes
8 brought in the district court solely on the basis of this
9 subsection, the district court shall be deemed a court es-
10 tablished by the laws of Guam for the purpose of deter-
11 mining the requirements of indictment by grand jury or
12 trial by jury.

13 **§ 30164. Jurisdiction and powers of local courts**

14 (a) SUPREME COURT OF GUAM.—The Supreme
15 Court of Guam shall be the highest court of the judicial
16 branch of Guam (excluding the District Court of Guam)
17 and shall—

18 (1) have original jurisdiction over proceedings
19 necessary to protect its appellate jurisdiction and su-
20 pervisory authority and other original jurisdiction as
21 the laws of Guam may provide;

22 (2) have jurisdiction to hear appeals over any
23 cause in Guam decided by the Superior Court of
24 Guam or other courts established under the laws of
25 Guam;

1 (3) have jurisdiction to issue orders and writs
2 in aid of its appellate, supervisory, and original ju-
3 risdiction, including orders necessary for the super-
4 vision of the judicial branch of Guam;

5 (4) have supervisory jurisdiction over the Supe-
6 rior Court of Guam and other courts of the judicial
7 branch of Guam;

8 (5) hear and determine appeals by a panel of 3
9 of the justices of the Supreme Court of Guam, and
10 a concurrence of 2 of the justices shall be necessary
11 to a decision on the merits of an appeal;

12 (6) make and promulgate rules governing the
13 administration of the judiciary and the practice and
14 procedure in the courts of the judicial branch of
15 Guam, including procedures for the determination of
16 an appeal en banc; and

17 (7) govern attorney and judicial ethics and the
18 practice of law in Guam, including admission to
19 practice law and the conduct and discipline of indi-
20 viduals admitted to practice law.

21 (b) CHIEF JUSTICE OF SUPREME COURT OF
22 GUAM.—The Chief Justice of the Supreme Court of
23 Guam—

24 (1) shall preside over the Supreme Court unless
25 disqualified or unable to act;

1 (2) shall be the administrative head of, and
2 have general supervisory power over, all depart-
3 ments, divisions, and other instrumentalities of the
4 judicial branch of Guam; and

5 (3) may issue administrative orders on behalf of
6 the Supreme Court of Guam as necessary for the ef-
7 ficient administration of the judicial branch of
8 Guam.

9 (c) ORDERS OF CHIEF JUSTICE WITH RESPECT TO
10 APPEALS.—The Chief Justice of the Supreme Court of
11 Guam, or a justice sitting in place of the Chief Justice,
12 may make an appropriate order with respect to—

13 (1) an appeal prior to the hearing and deter-
14 mination of that appeal on the merits; or

15 (2) dismissal of an appeal for lack of jurisdic-
16 tion or failure to take or prosecute the appeal in ac-
17 cordance with applicable laws or rules of procedure.

18 (d) JURISDICTION OF LOWER COURTS.—Except as
19 granted to the Supreme Court of Guam or otherwise pro-
20 vided by this chapter or an Act of Congress, the Superior
21 Court of Guam and other local courts established by the
22 laws of Guam shall have original and appellate jurisdiction
23 over causes in Guam as the laws of Guam provide, except
24 that the jurisdiction shall be subject to the exclusive or

1 concurrent jurisdiction conferred on the District Court of
2 Guam under sections 30161 through 30163 of this title.

3 (e) **QUALIFICATIONS AND DUTIES OF JUSTICES AND**
4 **JUDGES.**—The qualifications and duties of the justices
5 and judges of the Supreme Court of Guam, the Superior
6 Court of Guam, and other local courts established by the
7 laws of Guam shall be governed by the laws of Guam and
8 the rules of the courts.

9 **§ 30165. Relations between courts of United States**
10 **and courts of Guam**

11 The relations between the courts established by the
12 Constitution or laws of the United States and the local
13 courts of Guam with respect to appeals, certiorari, removal
14 of causes, the issuance of writs of habeas corpus, and
15 other matters or proceedings shall be governed by the laws
16 of the United States pertaining to the relations between
17 the courts of the United States, including the Supreme
18 Court of the United States, and the courts of a State of
19 the United States in those matters and proceedings.

20 **§ 30166. Application of Federal law and procedure to**
21 **certain criminal offenses**

22 (a) **IN GENERAL.**—As appropriate, the provisions
23 specified in subsection (c) shall apply to—

24 (1) the District Court of Guam; and

25 (2) appeals from the District Court of Guam.

1 (b) MEANING OF CERTAIN TERMS.—As applicable to
2 cases arising under the laws of Guam, including the Guam
3 territorial income tax, the terms “Attorney for the govern-
4 ment” and “United States attorney”, as used in the Fed-
5 eral Rules of Criminal Procedure, mean the Attorney Gen-
6 eral of Guam or another individual authorized under the
7 laws of Guam to act in those cases.

8 (c) SPECIFIED PROVISIONS.—The provisions speci-
9 fied in this subsection are the following:

10 (1) Part II of title 18.

11 (2) Title 28.

12 (3) Rules of practice and procedure promul-
13 gated and made effective by Congress or the Su-
14 preme Court of the United States pursuant to titles
15 11, 18, and 28.

16 **§30167. Appointment of judge, United States attor-**
17 **ney, and marshal**

18 (a) DISTRICT COURT JUDGE APPOINTMENT.—The
19 President shall, by and with the advice and consent of the
20 Senate, appoint a judge for the District Court of Guam
21 who shall hold office for the term of 10 years and until
22 a successor is chosen and qualified unless sooner removed
23 by the President for cause. The judge shall receive a salary
24 payable by the United States at the rate prescribed for
25 judges of the United States district courts.

1 (b) TEMPORARY ASSIGNMENT OF JUDGES TO DIS-
2 TRICT COURT OF GUAM.—

3 (1) IN GENERAL.—As provided in paragraphs
4 (2) and (3), a judge may be assigned to serve tem-
5 porarily as a judge in the District Court of Guam
6 if it is made to appear that the assignment is nec-
7 essary for the proper dispatch of the business of the
8 court.

9 (2) ASSIGNMENT BY CHIEF JUDGE OF NINTH
10 CIRCUIT.—The Chief Judge of the Ninth Judicial
11 Circuit of the United States may assign, under para-
12 graph (1), any of the following:

13 (A) A judge of a local court of record.

14 (B) A circuit or district judge of the Ninth
15 Circuit.

16 (C) A recalled senior judge of the District
17 Court of Guam or of the District Court for the
18 Northern Mariana Islands.

19 (3) ASSIGNMENT BY CHIEF JUSTICE OF THE
20 UNITED STATES.—The Chief Justice of the United
21 States may assign, under paragraph (1), any other
22 United States circuit or district judge with the con-
23 sent of—

24 (A) the judge being assigned; and

1 (B) the chief judge of the circuit of the
2 judge being assigned.

3 (c) UNITED STATES ATTORNEY AND UNITED
4 STATES MARSHAL.—

5 (1) UNITED STATES ATTORNEY.—The Presi-
6 dent shall appoint, by and with the advice and con-
7 sent of the Senate, a United States attorney for
8 Guam. Chapter 35 of title 28 shall apply to the of-
9 fice of the United States attorney for Guam.

10 (2) UNITED STATES MARSHAL.—The President
11 shall appoint, by and with the advice and consent of
12 the Senate, a United States marshal for Guam.
13 Chapter 37 of title 28 shall apply to the office of the
14 United States marshal for Guam.

15 **Subchapter V—Duties and Taxes**

16 **§ 30181. Items to be paid into the treasury**

17 (a) ITEMS TO BE PAID TO GUAM.—The following
18 shall be paid into the treasury of Guam and held in ac-
19 count for the government of Guam, and shall be expended
20 for the benefit and government of Guam in accordance
21 with the annual budgets:

22 (1) Customs duties and Federal income taxes
23 derived from Guam.

1 (2) The proceeds of all taxes collected under the
2 internal revenue laws of the United States on arti-
3 cles produced in Guam and—

4 (A) transported to the United States or its
5 territories (including possessions); or

6 (B) consumed in Guam.

7 (3) The proceeds of other taxes which may be
8 levied by Congress on the inhabitants of Guam (in-
9 cluding taxes on compensation paid to members of
10 the Armed Forces and pensions paid to retired civil-
11 ians and military employees of the United States, or
12 their survivors, who are residents of, or who are
13 domiciled in, Guam).

14 (4) Quarantine, passport, immigration, and nat-
15 uralization fees collected in Guam.

16 (b) EXCEPTION.—This chapter shall not be construed
17 to apply to a tax imposed by chapter 2 of the Internal
18 Revenue Code of 1986 (26 U.S.C. 1401 et seq.) or chapter
19 21 of the Internal Revenue Code of 1986 (26 U.S.C. 3101
20 et seq.).

21 (c) AMOUNT ESTIMATED.—The Secretary of the
22 Treasury, prior to the commencement of each fiscal year,
23 shall remit to the government of Guam the amount of du-
24 ties, taxes, and fees that the Governor of Guam, with the
25 concurrence of the government comptroller of Guam, has

1 estimated will be collected in or derived from Guam under
2 this section during the next fiscal year, except for sums
3 paid directly upon collection into the treasury of Guam.
4 The Secretary of the Treasury shall deduct from or add
5 to the amount remitted the difference between the amount
6 of duties, taxes, and fees actually collected during the
7 prior fiscal year and the amount of duties, taxes, and fees
8 estimated and remitted at the beginning of the prior fiscal
9 year, including deductions which may be required as a re-
10 sult of the operation of section 11 (5th sentence through
11 last sentence) of the Organic Act of Guam or Public Law
12 88–170 (77 Stat. 302), as amended by Public Law 90–
13 511 (82 Stat. 863).

14 **§ 30182. Income tax**

15 (a) IN GENERAL.—The income tax laws in force in
16 the United States are in force in Guam. Notwithstanding
17 any other provision of law, the legislature of Guam may
18 levy a separate tax on taxpayers in an amount not to ex-
19 ceed 10 percent of the taxpayers’ annual income tax obli-
20 gation to the government of Guam.

21 (b) GUAM TERRITORIAL INCOME TAX.—The income
22 tax laws in force in Guam pursuant to subsection (a) shall
23 be deemed to impose a separate territorial income tax,
24 payable to the government of Guam, designated the
25 “Guam territorial income tax”.

1 (c) ENFORCEMENT OF GUAM TERRITORIAL INCOME
2 TAX.—The administration and enforcement of the Guam
3 territorial income tax shall be performed by or under the
4 supervision of the Governor. Any function necessary to the
5 administration and enforcement of the Guam territorial
6 income tax shall be performed by an officer or employee
7 of the government of Guam authorized by the Governor
8 (either directly, or indirectly by 1 or more redelegations
9 of authority) to perform that function.

10 (d) SCOPE OF INCOME TAX LAWS.—

11 (1) IN GENERAL.—The Guam territorial income
12 tax includes the following provisions of the Internal
13 Revenue Code of 1986, unless inclusion is manifestly
14 inapplicable or incompatible with the intent of this
15 section:

16 (A) Subtitle A (26 U.S.C. 1 et seq.), ex-
17 cept—

18 (i) chapter 2 (26 U.S.C. 1401 et
19 seq.); and

20 (ii) section 931 (26 U.S.C. 931).

21 (B) Chapter 24 (26 U.S.C. 3401 et seq.)
22 and chapter 25 (26 U.S.C. 3501 et seq.) of sub-
23 title C with reference to the collection of income
24 tax at source on wages.

1 (C) All provisions of subtitle F (26 U.S.C.
2 6001 et seq.) that apply to the income tax, in-
3 cluding provisions relating to crimes, other of-
4 fenses, and forfeitures contained in chapter 75
5 (26 U.S.C. 7201 et seq.).

6 (2) TRANSITIONAL INCLUSION OF PROVISIONS
7 FROM INTERNAL REVENUE CODE OF 1939.—The
8 Guam territorial income tax includes each provision
9 of the Internal Revenue Code of 1939 that cor-
10 responds to a provision of the Internal Revenue
11 Code of 1986 that is included in the Guam terri-
12 torial income tax. This paragraph applies during the
13 period after 1950 and before the effective date of re-
14 peal of a provision of the Internal Revenue Code of
15 1939 to which this paragraph applies.

16 (e) ADMINISTRATION AND ENFORCEMENT.—The
17 Governor or the Governor’s delegate shall have the same
18 administrative and enforcement powers and remedies with
19 regard to the Guam territorial income tax as the Secretary
20 of the Treasury and other United States officials of the
21 executive branch have with respect to the United States
22 income tax. Necessary rules and regulations not incon-
23 sistent with the regulations prescribed under section
24 7654(e) of the Internal Revenue Code of 1986 (26 U.S.C.
25 7654(e)) for enforcement of the Guam territorial income

1 tax shall be prescribed by the Governor. The Governor or
2 the Governor's delegate shall have authority to issue, from
3 time to time, in whole or in part, the text of the Guam
4 territorial income tax laws.

5 (f) RULES AND REGULATIONS.—

6 (1) DEFINITION OF GUAM PAYOR.—In this sub-
7 section, the term “Guam payor” means the person
8 from whom an item of income would be deemed to
9 be received for purposes of claiming treaty benefits
10 if Guam were treated as part of the United States.

11 (2) RATE OF TAX.—In applying the Guam ter-
12 ritorial income tax, the rate of tax under the provi-
13 sions specified in paragraph (4) on an item of in-
14 come from sources within Guam shall be the same
15 as the rate that would apply with respect to the item
16 if Guam were treated as part of the United States
17 for purposes of the treaty obligations of the United
18 States.

19 (3) EXCEPTION.—Paragraph (2) shall not
20 apply to determine the rate of tax on an item of in-
21 come received from a Guam payor if, for a taxable
22 year, the taxes of the Guam payor were rebated
23 under Guam law.

24 (4) SPECIFIED PROVISIONS.—The provisions
25 specified in this paragraph are the following:

1 (A) Section 871 of the Internal Revenue
2 Code of 1986 (26 U.S.C. 871).

3 (B) Section 881 of the Internal Revenue
4 Code of 1986 (26 U.S.C. 881).

5 (C) Section 884 of the Internal Revenue
6 Code of 1986 (26 U.S.C. 884).

7 (D) Section 1441 of the Internal Revenue
8 Code of 1986 (26 U.S.C. 1441).

9 (E) Section 1442 of the Internal Revenue
10 Code of 1986 (26 U.S.C. 1442).

11 (F) Section 1443 of the Internal Revenue
12 Code of 1986 (26 U.S.C. 1443).

13 (G) Section 1445 of the Internal Revenue
14 Code of 1986 (26 U.S.C. 1445).

15 (H) Section 1446 of the Internal Revenue
16 Code of 1986 (26 U.S.C. 1446).

17 (g) SUBSTITUTION OF TERMS.—In applying the
18 Guam territorial income tax, except if it is manifestly oth-
19 erwise required, the applicable provisions of the Internal
20 Revenue Code of 1986 (26 U.S.C. 1 et seq.) shall be
21 read—

22 (1) by substituting—

23 (A) “Guam” for “United States”;

24 (B) “Governor or the Governor’s delegate”

25 for—

1 (i) “Secretary or his delegate”;

2 (ii) “Commissioner of Internal Rev-
3 enue”; and

4 (iii) “Collector of Internal Revenue”;

5 and

6 (C) “District Court of Guam” for “district
7 court”; and

8 (2) by making changes in nomenclature and
9 other language, including the omission of inappli-
10 cable language, if necessary to effect the intent of
11 this section.

12 (h) CRIMINAL OFFENSES AND PROSECUTION.—An
13 act or failure to act with respect to the Guam territorial
14 income tax that constitutes a criminal offense under chap-
15 ter 75 of subtitle F of the Internal Revenue Code of 1986
16 (26 U.S.C. 7201 et seq.) shall be an offense against the
17 government of Guam and may be prosecuted in the name
18 of the government of Guam by the appropriate officers of
19 the government of Guam.

20 (i) LIENS.—The government of Guam shall have a
21 lien with respect to the Guam territorial income tax in
22 the same manner and with the same effect, and subject
23 to the same conditions, as the United States has a lien
24 with respect to the United States income tax. The lien
25 with respect to the Guam territorial income tax shall be

1 enforceable in the name of and by the government of
2 Guam. If filing of a notice of lien is prescribed by the
3 Guam territorial income tax, the notice shall be filed in
4 the Office of the Clerk of the District Court of Guam.

5 **§ 30183. Proceedings regarding Guam territorial in-**
6 **come tax**

7 (a) JURISDICTION.—Notwithstanding sections 30161
8 through 30163 of this title or any other provision of law
9 to the contrary, the District Court of Guam shall have
10 exclusive original jurisdiction over all judicial proceedings
11 in Guam relating to the Guam territorial income tax, both
12 criminal and civil, regardless of the degree of the offense
13 or the amount involved.

14 (b) SUITS FOR RECOVERY.—

15 (1) APPLICABILITY.—This subsection applies to
16 a suit against the government of Guam for the re-
17 covery of an amount collected under the laws of the
18 Guam territorial income tax, in which the amount
19 is—

20 (A) an amount of Guam territorial income
21 tax that is alleged to have been erroneously or
22 illegally assessed or collected;

23 (B) a penalty claimed to have been col-
24 lected without authority; or

1 (C) a sum alleged to have been excessive or
2 in any manner wrongfully collected.

3 (2) SUIT FOR RECOVERY.—A suit described in
4 paragraph (1) may, regardless of the amount of
5 claim, be maintained against the government of
6 Guam subject to the same statutory requirements
7 applicable to a suit for the recovery of an amount
8 maintained against the United States in a United
9 States district court with respect to United States
10 income tax.

11 (3) PAYMENT OF JUDGMENT.—When a judg-
12 ment against the government of Guam under this
13 subsection has become final, the Governor shall
14 order payment of the judgment out of any
15 unencumbered funds in the treasury of Guam.

16 (c) FINAL JUDGMENTS AGAINST GOVERNOR OR OF-
17 FICER OR EMPLOYEE OF GOVERNMENT OF GUAM.—

18 (1) APPLICABILITY.—This subsection applies to
19 a proceeding against the Governor or an officer or
20 employee of the government of Guam for an act or
21 for the recovery of money exacted by or paid to the
22 Governor, officer, or employee and subsequently paid
23 into the treasury of Guam, in which the Governor,
24 officer, or employee was performing official duties
25 under the laws of the Guam territorial income tax.

1 (2) **CONDITIONAL PROHIBITION ON EXECUTION**
2 **OF FINAL JUDGMENT.**—In a proceeding described in
3 paragraph (1), execution on a final judgment shall
4 not issue against the Governor, officer, or employee
5 if the court certifies that—

6 (A) probable cause existed; or

7 (B) the officer or employee acted under the
8 direction of the Governor or the Governor's del-
9 egate.

10 (3) **PAYMENT OF JUDGMENT.**—When a certifi-
11 cate described in paragraph (2) is issued by the
12 court, the Governor shall order payment of the judg-
13 ment out of any unencumbered funds in the treasury
14 of Guam.

15 (d) **CIVIL ACTION.**—A civil action for the collection
16 of the Guam territorial income tax, together with fines,
17 penalties, and forfeitures, or for the recovery of any erro-
18 neous refund of such tax, may be brought in the name
19 of and by the government of Guam in the District Court
20 of Guam or in a district court of the United States or
21 in a court having the jurisdiction of a district court of
22 the United States.

23 (e) **JURISDICTION NOT SUBJECT TO TRANSFER.**—
24 The jurisdiction conferred upon the District Court of
25 Guam by this section shall not be subject to transfer to

1 any other court by the legislature, notwithstanding sec-
2 tions 30161 and 30162 of this title.

3 **Subchapter VI—Miscellaneous**

4 **§ 30191. Transfer of property**

5 (a) SUPERVISION BY SECRETARY OF THE INTE-
6 RIOR.—All property owned by the United States in Guam,
7 the title to which was not transferred to or placed under
8 the control of the government of Guam by subsection (a)
9 or (b) of section 28 of the Organic Act of Guam (ch. 512,
10 64 Stat. 392), is transferred to the administrative super-
11 vision of the Secretary of the Interior, except as the Presi-
12 dent may from time to time otherwise prescribe.

13 (b) SALE OR LEASE.—The Secretary of the Interior
14 may lease or sell, on terms the Secretary considers in the
15 public interest, any real or personal property of the United
16 States under the Secretary's administrative supervision in
17 Guam that is not needed for public purposes.

18 **§ 30192. Presidential authority regarding reserva-** 19 **tions and ports**

20 This chapter shall not be construed as limiting the
21 authority of the President to designate parts of Guam as
22 naval or military reservations, nor to restrict the Presi-
23 dent's authority to treat Guam as a closed port with re-
24 spect to the vessels and aircraft of foreign nations.

1 **§ 30193. Authorization of appropriations**

2 There are authorized to be appropriated annually
3 such sums as may be necessary and appropriate to carry
4 out the provisions and purposes of this chapter.

5 **Chapter 303—Applicability of**
6 **Certain Laws**

Sec.

30301. Applicability of Federal copyright laws.

30302. Applicability of other Federal laws.

30303. Applicability of the Covenant regarding the Northern Mariana Islands.

7 **§ 30301. Applicability of Federal copyright laws**

8 The laws of the United States relating to copyrights,
9 and to the enforcement of rights arising under those laws,
10 shall have the same force and effect in Guam as in the
11 continental United States.

12 **§ 30302. Applicability of other Federal laws**

13 The laws of the United States that are made applica-
14 ble to the Northern Mariana Islands by section 502(a)(1)
15 of the Covenant to Establish a Commonwealth of the
16 Northern Mariana Islands in Political Union with the
17 United States of America as approved by section 60102
18 of this title, except for section 228 and title XVI of the
19 Social Security Act (42 U.S.C. 428, 1381 et seq.) as they
20 apply to the States, shall be made applicable to Guam on
21 the same terms and conditions as the laws are applied to
22 the Northern Mariana Islands.

1 **§ 30303. Applicability of the Covenant regarding the**
2 **Northern Mariana Islands**

3 (a) IN GENERAL.—The laws referred to in section
4 502(a)(1) of the Covenant to Establish a Commonwealth
5 of the Northern Mariana Islands in Political Union with
6 the United States of America as approved by section
7 60102 of this title shall be applicable to Guam on the same
8 terms and conditions as the laws are applied to the North-
9 ern Mariana Islands.

10 (b) EXCEPTION.—Subsection (a) does not apply—

11 (1) to laws administered by the Social Security
12 Administration; or

13 (2) to laws relating to Medicaid that are admin-
14 istered by the Centers for Medicare & Medicaid
15 Services.

16 **Chapter 305—Public Housing and**
17 **Urban Renewal**

Sec.

30501. Definitions.

30502. Public corporate authority.

30503. Issuance of notes, bonds, and obligations.

30504. Assistance for urban renewal, housing, and related activities.

30505. Ratification of Guam Public Law.

30506. Additional powers.

18 **§ 30501. Definitions**

19 In this chapter:

20 (1) LEGISLATURE.—The term “legislature”
21 means the legislature of Guam.

1 (2) PUBLIC CORPORATE AUTHORITY.—The
2 term “public corporate authority” means a public
3 corporate authority granted powers to undertake
4 urban renewal and housing activities in Guam under
5 section 30502 of this title.

6 **§ 30502. Public corporate authority**

7 (a) GRANT OF POWERS.—The legislature may by law
8 grant to a public corporate authority, existing or to be
9 created by or under the law, powers to undertake urban
10 renewal and housing activities in Guam.

11 (b) LEGISLATIVE PROVISIONS RELATING TO AU-
12 THORITY.—The legislature may by law provide for the—

13 (1) appointment of the members of a public
14 corporate authority;

15 (2) terms of office of the members of a public
16 corporate authority;

17 (3) removal of the members of a public cor-
18 porate authority; and

19 (4) powers of a public corporate authority, in-
20 cluding the authority—

21 (A) to accept benefits the Federal Govern-
22 ment may make available; and

23 (B) to do all things, to exercise all powers,
24 and to assume and fulfill all obligations, duties,
25 responsibilities, and requirements, including

1 those relating to planning or zoning, necessary
2 or desirable for receiving Federal assistance.

3 (c) LIMITATION OF AUTHORITY.—A public corporate
4 authority shall not be given any power of taxation, nor
5 any power to pledge the faith and credit of Guam for a
6 loan.

7 **§ 30503. Issuance of notes, bonds, and obligations**

8 (a) AUTHORITY TO BORROW MONEY AND ISSUE OB-
9 LIGATIONS.—Notwithstanding chapter 301 of this title,
10 the Organic Act of Guam, or any other Federal statute,
11 the legislature may by law authorize a public corporate
12 authority to borrow money and to issue notes, bonds, and
13 other obligations of such character and maturity, with
14 such security, and in such manner as the legislature may
15 provide.

16 (b) OBLIGATIONS.—A note, bond, or other obligation
17 issued under subsection (a)—

18 (1) shall not be a debt of the United States or
19 a debt of Guam, but shall only be a debt of the pub-
20 lic corporate authority issuing the note, bond, or
21 other obligation; and

22 (2) shall not constitute a debt, indebtedness, or
23 the borrowing of money within the meaning of any
24 limitation or restriction on the issuance of a note,
25 bond, or other obligation contained in any law of the

1 United States applicable to Guam or any agency of
2 Guam.

3 **§ 30504. Assistance for urban renewal, housing, and**
4 **related activities**

5 (a) ASSISTANCE.—The legislature may assist a public
6 corporate authority by furnishing, or authorizing the fur-
7 nishing of—

8 (1) cash donations;

9 (2) loans;

10 (3) conveyances of real and personal property;

11 (4) facilities;

12 (5) services; and

13 (6) other items.

14 (b) OTHER ACTIONS.—The legislature may take
15 other action in aid of urban renewal or housing or related
16 activities.

17 **§ 30505. Ratification of Guam Public Law**

18 Each part of Guam Public Law 6–135, enacted by
19 the legislature and approved December 18, 1962, that re-
20 lates to any part of the subject matter of this chapter,
21 and that is not inconsistent with this chapter, is ratified
22 and confirmed.

1 **§ 30506. Additional powers**

2 Powers granted in this chapter shall be in addition
3 to powers granted by other law to, or for the benefit or
4 assistance of, a public corporate authority.

5 **Chapter 307—Guam Development**
6 **Fund**

Sec.

30701. Authorization of appropriations.

30702. Submission of plan for use of funds.

30703. Loan participation.

30704. Accounting procedures.

30705. Report for inclusion in annual report by Governor.

30706. Audit of books and records of agency administering loan funds.

7 **§ 30701. Authorization of appropriations**

8 For the purpose of promoting economic development
9 in Guam, there is authorized to be appropriated to the
10 Secretary of the Interior to be paid to the government of
11 Guam for the purposes of this chapter the sum of
12 \$5,000,000.

13 **§ 30702. Submission of plan for use of funds**

14 (a) PLAN FOR USE OF FUNDS.—Prior to receiving
15 funds pursuant to this chapter, the government of Guam
16 shall submit to the Secretary of the Interior a plan for
17 the use of the funds that meets the requirements of this
18 section and is approved by the Secretary of the Interior.

19 (b) PLAN CONTENTS.—The plan shall—

20 (1) designate an agency or agencies of the gov-
21 ernment of Guam for the administration of the plan;
22 and

1 (2) set forth the policies and procedures to be
2 followed in furthering the economic development of
3 Guam through a program that shall include loans
4 and loan guarantees to promote the development of
5 private enterprise and private industry in Guam
6 through a revolving fund for those purposes.

7 (c) LOAN REQUIREMENTS.—The following shall
8 apply to a loan made pursuant to the plan in subsection
9 (b):

10 (1) TERM.—The term of a loan shall not exceed
11 25 years.

12 (2) INTEREST.—A loan shall bear interest (ex-
13 clusive of premium charges for insurance, and serv-
14 ice charges, if any) at the annual rate as is deter-
15 mined to be reasonable and as approved by the Sec-
16 retary of the Interior, but in no event less than a
17 rate equal to the average yield on outstanding mar-
18 ketable obligations of the United States as of the
19 last day of the month preceding the date of the loan,
20 adjusted to the nearest 1/8th of 1 percent, which
21 rate shall be determined by the Secretary of the
22 Treasury upon the request of the authorized agency
23 of the government of Guam.

24 (3) PREMIUM CHARGES.—Premium charges for
25 the insurance and guarantee of loans shall be com-

1 mensurate, in the judgment of the agency admin-
2 istering the fund, with expenses and risks covered.

3 **§ 30703. Loan participation**

4 (a) PREREQUISITE FOR LOAN OR LOAN GUAR-
5 ANTEE.—A loan or loan guarantee shall not be made
6 under this chapter to an applicant who does not satisfy
7 the agency administering the plan that financing is other-
8 wise unavailable on reasonable terms and conditions.

9 (b) LIMITATIONS ON PARTICIPATION.—The max-
10 imum participation in the funds made available under sec-
11 tion 30701 of this title, shall be limited—

12 (1) so that not more than 25 percent of the
13 funds appropriated by Congress may be devoted to
14 a single project;

15 (2) to 90 percent of loan guarantee; and

16 (3) with respect to all loans, to the degree of
17 participation prudent under the circumstances of in-
18 dividual loans but directly related to the minimum
19 essential participation necessary to accomplish the
20 purposes of this chapter.

21 (c) RESERVES FOR LOAN GUARANTEES.—With re-
22 spect to loan guarantees, the reserves maintained by the
23 agency for the guarantees shall not be less than 25 percent
24 of the guarantee.

1 **§ 30704. Accounting procedures**

2 The plan provided for in section 30702 of this title
3 shall set forth fiscal control and fund accounting proce-
4 dures as may be necessary to assure proper disbursement,
5 repayment, and accounting for the funds.

6 **§ 30705. Report for inclusion in annual report by**

7 **Governor**

8 The Governor of Guam shall include in the annual
9 report to Congress required pursuant to section 30126(h)
10 of this title a report on the administration of this chapter.

11 **§ 30706. Audit of books and records of agency admin-**

12 **istering loan funds**

13 The Comptroller General, or any of the Comptroller
14 General's authorized representatives, shall have access, for
15 the purpose of audit and examination, to the books, docu-
16 ments, papers, and records of the agency of the govern-
17 ment of Guam administering the plan that are pertinent
18 to the funds received under this chapter.

19 **Chapters 309 Through 389—Reserved**

20 **Chapter 391—Miscellaneous**

Sec.

39101. Federal assistance for fire control, watershed protection, and reforest-
ation.

39102. Port of Guam Improvement Enterprise Program.

1 **§ 39101. Federal assistance for fire control, watershed**
2 **protection, and reforestation**

3 (a) AUTHORIZATION.—The Secretary of Agriculture
4 may provide financial and technical assistance to Guam
5 for improving fire control, watershed protection, and refor-
6 estation, consistent with existing laws, administered by the
7 Secretary of Agriculture, which are applicable to the conti-
8 nental United States.

9 (b) PROGRAM.—The program authorized by this sec-
10 tion shall be developed in cooperation with the government
11 of Guam and shall be covered by a memorandum of under-
12 standing agreed to by the government of Guam and the
13 Department of Agriculture.

14 (c) COOPERATION.—The Secretary of Agriculture
15 may also utilize the agencies, facilities, and employees of
16 the Department of Agriculture, and may cooperate with
17 other public agencies and with private organizations and
18 individuals in Guam and elsewhere.

19 (d) APPROPRIATION OF SUMS.—There are authorized
20 to be appropriated such sums as are necessary to carry
21 out the purposes of this section. Sums appropriated in
22 pursuance of this section may be allocated to the agencies
23 of the Department of Agriculture that are concerned with
24 the administration of the program in Guam.

1 **§ 39102. Port of Guam Improvement Enterprise Pro-**
2 **gram**

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Maritime
6 Administration.

7 (2) FUND.—The term “Fund” means the Port
8 of Guam Improvement Enterprise Fund established
9 under subsection (d)(1).

10 (3) PROGRAM.—The term “Program” means
11 the Port of Guam Improvement Enterprise Program
12 authorized to be established under subsection (b).

13 (b) IN GENERAL.—The Secretary of Transportation,
14 acting through the Administrator, may establish the Port
15 of Guam Improvement Enterprise Program to provide for
16 the planning, design, and construction of projects for the
17 Port of Guam to improve facilities, relieve port congestion,
18 and provide greater access to port facilities.

19 (c) AUTHORITY OF THE ADMINISTRATOR.—In car-
20 rying out the Program, the Administrator may—

21 (1) receive funds provided for the Program
22 from Federal and non-Federal entities, including
23 private entities;

24 (2) provide for coordination among appropriate
25 governmental agencies to expedite the review process
26 under the National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) for projects carried
2 out under the Program;

3 (3) provide for coordination among appropriate
4 governmental agencies in connection with other re-
5 views and requirements applicable to a project car-
6 ried out under the Program; and

7 (4) provide technical assistance to the Port Au-
8 thority of Guam and its agents as needed for a
9 project carried out under the Program.

10 (d) PORT OF GUAM IMPROVEMENT ENTERPRISE
11 FUND.—

12 (1) ESTABLISHMENT.—The Port of Guam Im-
13 provement Enterprise Fund is established in the
14 Treasury of the United States as a separate account.

15 (2) DEPOSITS.—There shall be deposited into
16 the Fund—

17 (A) amounts received by the Administrator
18 from Federal and non-Federal sources under
19 subsection (c)(1);

20 (B) amounts transferred to the Adminis-
21 trator under subsection (e); and

22 (C) amounts appropriated to carry out this
23 section under subsection (f).

1 (3) USE OF AMOUNTS.—Amounts in the Fund
2 shall be available to the Administrator to carry out
3 the Program.

4 (4) ADMINISTRATIVE EXPENSES.—Not more
5 than 3 percent of the amounts appropriated to the
6 Fund for a fiscal year may be used for administra-
7 tive expenses of the Administrator.

8 (5) AVAILABILITY OF AMOUNTS.—Amounts in
9 the Fund shall remain available until expended.

10 (e) TRANSFERS OF AMOUNTS.—Amounts appro-
11 priated or otherwise made available for any fiscal year for
12 an intermodal or marine facility comprising a component
13 of the Program shall be transferred to and administered
14 by the Administrator.

15 (f) LIMITATION.—This section shall not be construed
16 to authorize the following to be deposited into the Fund:

17 (1) Amounts made available under section 165
18 of title 23 or other amounts made available for the
19 construction of highways.

20 (2) Other amounts not eligible for making port
21 improvements.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Fund such sums
24 as may be necessary to carry out this section.

1 **Division C—American Samoa**
2 **Chapter 401—General Provisions**

Sec.

40101. Islands of eastern Samoa.

40102. Sovereignty of United States extended over Swains Island.

40103. Amendment of constitution of American Samoa.

40104. Assistance.

40105. Reporting duties of Governor.

40106. Functions, powers, and duties vested.

40107. Collection of customs duties.

40108. Industrial development bonds.

3 **§ 40101. Islands of eastern Samoa**

4 (a) DEFINITION OF ISLANDS OF EASTERN SAMOA.—

5 In this section, the term “islands of eastern Samoa”
6 means the islands of Tutuila and Manua and certain other
7 islands of the Samoan group lying between the 13th and
8 15th degrees of latitude south of the Equator and between
9 the 167th and 171st degrees of longitude west of Green-
10 wich.

11 (b) ACCEPTANCE OF CESSION.—The cessions by cer-
12 tain chiefs of the islands of eastern Samoa are accepted,
13 ratified, and confirmed, as of April 10, 1900, and July
14 16, 1904.

15 (c) PUBLIC LANDS.—

16 (1) LAWS.—The laws of the United States re-
17 lating to public lands shall not apply to public lands
18 in the islands of eastern Samoa. Congress shall
19 enact special laws for the management and disposi-
20 tion of public lands in the islands of eastern Samoa.

21 (2) REVENUE.—

1 (A) IN GENERAL.—All revenue from or
2 proceeds of public lands in the islands of east-
3 ern Samoa shall be used solely for the benefit
4 of the inhabitants of the islands of eastern
5 Samoa for educational and other public pur-
6 poses.

7 (B) EXCEPTION.—Subparagraph (A) does
8 not apply to public lands in the islands of east-
9 ern Samoa that are—

10 (i) used or occupied for the civil, mili-
11 tary, or naval purposes of the United
12 States; or

13 (ii) assigned for the use of the local
14 government.

15 (d) GOVERNMENT.—Until Congress provides for the
16 government of the islands of eastern Samoa, all civil, judi-
17 cial, and military powers shall be vested in the person or
18 persons, and shall be exercised in the manner, as directed
19 by the President of the United States. The President of
20 the United States shall have power to remove the person
21 or persons vested with civil, judicial, and military powers
22 and to fill resulting vacancies.

1 **§ 40102. Sovereignty of United States extended over**
2 **Swains Island**

3 The sovereignty of the United States over American
4 Samoa is extended over Swains Island, which is made a
5 part of American Samoa and placed under the jurisdiction
6 of the administrative and judicial authorities of the gov-
7 ernment established in American Samoa by the United
8 States.

9 **§ 40103. Amendment of constitution of American**
10 **Samoa**

11 Amendments of, or modifications to, the constitution
12 of American Samoa, as approved by the Secretary of the
13 Interior pursuant to Executive Order 10264 (16 Fed. Reg.
14 6417 (June 29, 1951)) as in effect January 1, 1983, may
15 be made only by Act of Congress of the United States.

16 **§ 40104. Assistance**

17 (a) SCIENTIFIC, TECHNICAL, AND OTHER ASSIST-
18 ANCE.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law, upon request of the Secretary of
21 the Interior, the head of a Federal department,
22 agency, or corporation may extend to American
23 Samoa scientific, technical, and other assistance
24 under a program administered by the Federal de-
25 partment, agency, or corporation. Assistance under
26 this paragraph is extended to American Samoa with-

1 out reimbursement. Assistance under this paragraph
2 is extended to American Samoa if the assistance, in
3 the judgment of the Secretary of the Interior, will
4 promote the welfare of American Samoa.

5 (2) EXCEPTION REGARDING GRANT-IN-AID PRO-
6 GRAMS.—Paragraph (1) shall not apply to financial
7 assistance under a grant-in-aid program.

8 (3) LIMITATION.—In any 1 fiscal year, the Sec-
9 retary of the Interior shall not request assistance
10 pursuant to this subsection in an aggregate amount
11 that exceeds \$150,000 in nonreimbursable costs, as
12 the costs are estimated for the Secretary of the Inte-
13 rior, in advance, by the heads of the Federal depart-
14 ments, agencies, or corporations concerned.

15 (b) SCHOOL LUNCH PROGRAM.—Upon request of the
16 Secretary of the Interior, the Secretary of Agriculture may
17 extend to American Samoa the benefits of the Richard B.
18 Russell National School Lunch Act (42 U.S.C. 1751 et
19 seq.).

20 (c) OTHER ASSISTANCE.—Upon request of the Sec-
21 retary of the Interior, the Secretary of Health and Human
22 Services may extend to American Samoa the benefits of
23 section 314 of the Public Health Service Act (42 U.S.C.
24 246) and title VI of the Public Health Service Act (42
25 U.S.C. 291 et seq.).

1 **§ 40105. Reporting duties of Governor**

2 (a) COMPREHENSIVE ANNUAL FINANCIAL RE-
3 PORT.—The Governor of American Samoa shall prepare,
4 publish, and submit to Congress and the Secretary of the
5 Interior a comprehensive annual financial report in con-
6 formance with the standards of the National Council on
7 Governmental Accounting not later than 120 days after
8 the close of the fiscal year.

9 (b) CONTENTS.—The comprehensive annual financial
10 report shall include statistical data as set forth in the
11 standards of the National Council on Governmental Ac-
12 counting relating to the physical, economic, social, and po-
13 litical characteristics of the government, and any other in-
14 formation required by Congress.

15 (c) OTHER REPORTS.—The Governor shall also make
16 other reports at other times as may be required by Con-
17 gress or under applicable Federal law.

18 **§ 40106. Functions, powers, and duties vested**

19 (a) AUDITING AND REPORTING AUTHORITY.—The
20 following functions, powers, and duties are vested in the
21 Inspector General, Department of the Interior, for the
22 purpose of establishing an organization that will maintain
23 a satisfactory level of independent audit oversight of the
24 government of American Samoa:

25 (1) The authority to audit accounts pertaining
26 to the revenue and receipts of the government of

1 American Samoa, and of funds derived from bond
2 issues.

3 (2) The authority to audit, in accordance with
4 law and administrative regulations, expenditures of
5 funds and property pertaining to the government of
6 American Samoa including those pertaining to trust
7 funds held by the government of American Samoa.

8 (3) The authority to report to the Secretary of
9 the Interior and the Governor of American Samoa
10 all failures to collect amounts due the government,
11 and expenditures of funds or uses of property that
12 are irregular or not pursuant to law.

13 (b) SCOPE OF AUTHORITY.—The authority granted
14 in this section shall extend to all activities of the govern-
15 ment of American Samoa, and shall be in addition to the
16 authority conferred upon the Inspector General by chapter
17 4 of title 5.

18 **§ 40107. Collection of customs duties**

19 The Secretary of the Treasury shall, upon the request
20 of the Governor of American Samoa, administer and en-
21 force the collection of all customs duties derived from
22 American Samoa, without cost to the government of
23 American Samoa. The Secretary of the Treasury, in con-
24 sultation with the Governor of American Samoa, shall
25 make every effort to employ and train the residents of

1 American Samoa to carry out the provisions of this sec-
2 tion.

3 **§ 40108. Industrial development bonds**

4 (a) ISSUANCE.—The legislature of the government of
5 American Samoa may issue industrial development bonds
6 within the meaning of section 103(b)(2) of the Internal
7 Revenue Code of 1954 (26 U.S.C. 103(b)(2)) (as in effect
8 on October 5, 1984).

9 (b) TAXATION.—

10 (1) IN GENERAL.—The interest on a bond or
11 other obligation issued by or on behalf of the govern-
12 ment of American Samoa shall be exempt from tax-
13 ation by the government of American Samoa and the
14 governments of a State of the United States, the
15 District of Columbia, or a territory (including a pos-
16 session) of the United States, and any subdivision of
17 those governments.

18 (2) EXCEPTION.—The exemption provided by
19 paragraph (1) shall not apply to gift, estate, inherit-
20 ance, legacy, succession, or other wealth transfer
21 taxes.

22 (c) FEDERAL INCOME TAX.—For exclusion of inter-
23 est for purposes of Federal income taxation, see section
24 103 of the Internal Revenue Code of 1986 (26 U.S.C.
25 103).

1 **Division D—Virgin Islands**
2 **Chapter 501—General Provisions**

Sec.
50101. Definitions.

3 **§ 50101. Definitions**

4 In this division:

5 (1) LEGISLATURE OF THE VIRGIN ISLANDS.—

6 The term “Legislature of the Virgin Islands” refers
7 to the Legislature of the Virgin Islands established
8 under section 50731 of this title, a predecessor body
9 previously established under a Federal statute of the
10 United States, or a predecessor body previously rec-
11 ognized by a Federal statute of the United States,
12 as the context requires.

13 (2) VIRGIN ISLANDS.—The term the “Virgin Is-
14 lands” refers to the territorial domain, lands, is-
15 lands, cays, and waters acquired by the United
16 States through cession of the Danish West Indian
17 Islands by the convention entered into between the
18 United States of America and His Majesty the King
19 of Denmark on January 17, 1917 (39 Stat. 1706).

20 **Chapter 503—Local Laws, Customs**
21 **Duties, and Taxes**

Sec.
50301. Continuation of local laws.
50302. Customs duties and internal revenue taxes.
50303. Continuation of tax laws.
50304. Payment to the Virgin Islands treasury.
50305. Income tax laws of United States in force.

1 **§ 50301. Continuation of local laws**

2 (a) CONTINUATION OF LOCAL LAWS.—Until Con-
3 gress shall otherwise provide, insofar as compatible with
4 the changed sovereignty of the Virgin Islands and not in
5 conflict with the provisions of this section and sections
6 50302 through 50304 of this title, the laws regulating
7 elections and the electoral franchise as set forth in the
8 code of laws published at Amalienborg on April 6, 1906,
9 and the other local laws, in force and effect in the Virgin
10 Islands on January 17, 1917, shall remain in force and
11 effect in the Virgin Islands.

12 (b) ADMINISTRATION OF LAWS.—The laws described
13 in subsection (a) shall be administered by the civil officials
14 and through the local judicial tribunals established in the
15 Virgin Islands, and the orders, judgments, and decrees of
16 the local judicial tribunals shall be duly enforced.

17 (c) REPEAL OR AMENDMENT OF LOCAL LAWS.—
18 With the approval of the President, or under rules and
19 regulations the President may prescribe, any of the laws
20 described subsection (a) may be repealed, altered, or
21 amended by the Legislature of the Virgin Islands.

22 (d) JURISDICTION OF LOCAL TRIBUNALS.—The ju-
23 risdiction of the judicial tribunals of the Virgin Islands
24 shall extend to all judicial proceedings and controversies
25 in the Virgin Islands to which the United States or a
26 United States citizen may be a party.

1 **§ 50302. Customs duties and internal revenue taxes**

2 (a) IN GENERAL.—There shall be levied, collected,
3 and paid upon all articles coming into the United States
4 or its possessions from the Virgin Islands the rates of duty
5 and internal revenue taxes that are required to be levied,
6 collected, and paid upon like articles imported from for-
7 eign countries.

8 (b) EXCEPTION.—

9 (1) CONDITIONS FOR ADMITTING FREE OF
10 DUTY.—An article coming into the United States
11 from the Virgin Islands shall be admitted free of
12 duty if—

13 (A) the article—

14 (i) is grown, produced, or manufac-
15 tured in the Virgin Islands from materials
16 grown or produced in the Virgin Islands or
17 the United States or both; or

18 (ii) does not contain foreign materials
19 valued at more than 20 percent of the total
20 value of the article; and

21 (B) no drawback of customs duties has
22 been allowed on the article.

23 (2) MATERIAL NOT CONSIDERED FOREIGN.—

24 For purposes of paragraph (1)(A)(ii), material shall
25 not be considered foreign if that material may gen-
26 erally be imported into the continental United States

1 free of duty at the time the Virgin Islands article is
2 entered, or withdrawn from warehouse, for consump-
3 tion.

4 **§ 50303. Continuation of tax laws**

5 (a) IN GENERAL.—Until Congress shall otherwise
6 provide, insofar as compatible with the changed sov-
7 ereignty of the Virgin Islands and not otherwise provided
8 in this section or section 50301, 50302, or 50304 of this
9 title, the laws imposing taxes in the Virgin Islands on
10 March 3, 1917, including customs laws and regulations,
11 shall continue in force and effect, except that articles
12 grown, produced, or manufactured in the United States
13 shall be admitted into the Virgin Islands free of duty.

14 (b) SUGAR EXPORT TAX.—Upon exportation of
15 sugar to any foreign country, or the shipment of sugar
16 to the United States or any of its possessions, there shall
17 be levied, collected, and paid an export duty of \$6 per ton
18 of 2,000 pounds, irrespective of polariscope test, in lieu
19 of any export tax required by law on March 3, 1917.

20 (c) INTERNAL REVENUE TAXES.—With respect to in-
21 ternal revenue taxes levied by the Legislature of the Virgin
22 Islands in pursuance of the authority granted by this sec-
23 tion and sections 50301, 50302, and 50304 of this title
24 on articles, goods, wares, or merchandise—

1 (1) the taxes may be levied and collected as the
2 Legislature of the Virgin Islands may direct, on the
3 articles subject to the tax, as soon as the articles are
4 manufactured, sold, used, or brought into the Virgin
5 Islands;

6 (2) no discrimination may be made between the
7 articles imported from the United States or foreign
8 countries and similar articles produced or manufac-
9 tured in the Virgin Islands; and

10 (3) officials of U.S. Customs and Border Pro-
11 tection and the Postal Service of the United States
12 shall assist the appropriate officials of the Virgin Is-
13 lands in the collection of the taxes.

14 **§ 50304. Payment to the Virgin Islands treasury**

15 The duties and taxes collected in pursuance of sec-
16 tions 50302 and 50303 of this title shall not be paid into
17 the general fund of the Treasury of the United States,
18 but shall be used and expended for the government and
19 benefit of the Virgin Islands under rules and regulations
20 the President may prescribe.

21 **§ 50305. Income tax laws of United States in force**

22 (a) INCOME TAX LAWS TO APPLY.—The income tax
23 laws in force in the United States on and after July 12,
24 1921, shall be in force in the Virgin Islands, except that

1 the proceeds of the taxes shall be paid into the treasury
2 of the Virgin Islands.

3 (b) AUTHORIZATION FOR SURTAX.—Notwithstanding
4 any other provision of law, the Legislature of the Virgin
5 Islands may levy a surtax on all taxpayers in an amount
6 not to exceed 10 percent of the taxpayer’s annual income
7 tax obligation to the government of the Virgin Islands.

8 **Chapter 505—Organic Provisions**

Sec.

50501. Transfer of property.

50502. Navigation and related laws.

50503. Certain laws continued.

50504. Judicial process.

50505. Assessment and collection of taxes and fees.

50506. Secretary of the Treasury powers.

50507. Export duties.

9 **§ 50501. Transfer of property**

10 All property that may have been acquired by the
11 United States from Denmark in the Virgin Islands under
12 the convention entered into August 4, 1916, not reserved
13 by the United States for public purposes prior to June
14 22, 1937, is placed under the control of the Government
15 of the Virgin Islands.

16 **§ 50502. Navigation and related laws**

17 (a) NAVIGABLE WATERS.—Except as otherwise pro-
18 vided, the laws of the United States for the protection and
19 improvement of the navigable waters of the United States
20 shall apply to the Virgin Islands.

1 (b) TONNAGE DUTIES.—Federal laws levying ton-
2 nage duties, light money, or entrance and clearance fees
3 shall not apply to the Virgin Islands.

4 (c) APPLICABLE LAWS.—

5 (1) LOCAL POWER.—The Legislature of the
6 Virgin Islands shall have power to enact navigation,
7 boat inspection, and safety laws of local application.

8 (2) PRESIDENTIAL POWER.—The President
9 shall have power to make applicable to the Virgin Is-
10 lands the navigation, vessel inspection, and coastwise
11 laws of the United States that the President may
12 find and declare to be necessary in the public inter-
13 est.

14 (3) CONFLICT OF LAWS.—To the extent that
15 the laws made applicable to the Virgin Islands under
16 paragraph (2) conflict with the laws of local applica-
17 tion enacted by the Legislature of the Virgin Is-
18 lands, the laws enacted by the Legislature of the
19 Virgin Islands shall have no force and effect.

20 (d) EXISTING POWERS OF UNITED STATES OFFI-
21 CERS UNAFFECTED.—This chapter shall not be construed
22 to affect or impair the terms and conditions of an author-
23 ization, permit, or other power lawfully granted or exer-
24 cised prior to June 22, 1936, in or with respect to the

1 Virgin Islands by an authorized officer or agent of the
2 United States.

3 **§ 50503. Certain laws continued**

4 (a) LAWS OF THE UNITED STATES.—The laws of the
5 United States applicable to the Virgin Islands on June 22,
6 1936, and all local laws and ordinances in force on June
7 22, 1936, in the Virgin Islands, not inconsistent with this
8 chapter, shall continue in force and effect.

9 (b) LAWS OF LOCAL APPLICATION.—The Legislature
10 of the Virgin Islands shall have power, if not inconsistent
11 with this chapter—

12 (1) to amend, alter, modify, or repeal any law
13 of the United States of local application only, or any
14 ordinance, public or private, civil or criminal, contin-
15 ued in force and effect by this chapter, except as
16 otherwise provided in this chapter; and

17 (2) to enact new laws and ordinances not incon-
18 sistent with this chapter and not inconsistent with
19 the laws of the United States made applicable on
20 and after June 22, 1936, to the Virgin Islands or
21 any part of the Virgin Islands, subject to the power
22 of Congress to annul the new laws and ordinances.

23 (c) PATENTS, TRADEMARKS, AND COPYRIGHTS.—
24 The laws of the United States relating to patents, trade-
25 marks, and copyrights, and to the enforcement of rights

1 arising under those laws, shall have the same force and
2 effect in the Virgin Islands as in the continental United
3 States, and the District Court of the Virgin Islands shall
4 have the same jurisdiction in causes arising under those
5 laws as is exercised by United States district courts.

6 **§ 50504. Judicial process**

7 All judicial process shall run in the name of “United
8 States of America, scilicet, the President of the United
9 States”, and all penal or criminal prosecutions in the local
10 courts shall be conducted in the name of and by authority
11 of “the People of the Virgin Islands of the United States”.

12 **§ 50505. Assessment and collection of taxes and fees**

13 (a) LOCAL POWER.—Taxes and assessments on prop-
14 erty and incomes, internal revenue taxes, license fees, and
15 service fees may be imposed and collected, and royalties
16 for franchises, privileges, and concessions granted may be
17 collected for the purposes of the government of the Virgin
18 Islands as may be provided and defined by the Legislature
19 of the Virgin Islands.

20 (b) SPECIAL FUND.—All money derived from a tax
21 levied or assessed for a special purpose shall be treated
22 as a special fund in the treasury of the Virgin Islands and
23 paid out for that purpose only, except when otherwise au-
24 thorized by the Legislature of the Virgin Islands after the

1 purpose for which the fund was created has been accom-
2 plished.

3 (c) LOCAL DUTIES AND CUSTOMS.—Until Congress
4 shall otherwise provide, all laws concerning import duties
5 and customs in the municipality of Saint Thomas and
6 Saint John in effect on June 22, 1936, shall be in force
7 and effect in and for the Virgin Islands.

8 **§ 50506. Secretary of the Treasury powers**

9 The Secretary of the Treasury shall—

10 (1) designate the several ports and sub-ports of
11 entry in the Virgin Islands;

12 (2) make rules and regulations and appoint of-
13 ficers and employees that the Secretary of the
14 Treasury considers necessary for the administration
15 of the customs laws in the Virgin Islands;

16 (3) fix the compensation of the officers and em-
17 ployees; and

18 (4) provide for the payment of compensations
19 and other expenses of the collection of duties, fees,
20 and taxes imposed under the customs laws from the
21 receipts of the duties, fees, and taxes.

22 **§ 50507. Export duties**

23 (a) EXPORT DUTIES IN EFFECT.—The export duties
24 in effect on June 22, 1936, may, from time to time, be

1 reduced, repealed, or restored by the Legislature of the
2 Virgin Islands.

3 (b) NEW EXPORT DUTIES.—No new export duties
4 shall be levied in the Virgin Islands except by Congress.

5 **Chapter 507—Revised Organic**
6 **Provisions**

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1 Subchapter I—General Provisions

2 § 50701. Relationship to the United States

3 The Virgin Islands are declared an unincorporated
4 territory of the United States.

5 § 50702. Local government

6 (a) LOCAL GOVERNMENT POWERS.—The govern-
7 ment of the Virgin Islands—

8 (1) shall have the powers set forth in this chap-
9 ter; and

10 (2) shall have the right to sue by its name, and
11 in cases arising out of contract, to be sued.

12 (b) LIMITATION ON ACTIONS.—A tort action shall
13 not be brought against the government of the Virgin Is-
14 lands or against an officer or employee of the government
15 of the Virgin Islands in the officer or employee's official

1 capacity without the consent of the Legislature of the Vir-
2 gin Islands.

3 (c) CAPITAL AND SEAT OF LOCAL GOVERNMENT.—

4 The capital and seat of government of the Virgin Islands
5 shall be located at the city of Charlotte Amalie, in the is-
6 land of Saint Thomas.

7 (d) RELATIONS WITH FEDERAL GOVERNMENT.—

8 The relations between the government of the Virgin Is-
9 lands and the Federal Government shall be under the gen-
10 eral administrative supervision of the Secretary of the In-
11 terior in all matters that are not the program responsi-
12 bility of another Federal department or agency.

13 **§ 50703. Voting franchise**

14 (a) QUALIFICATIONS.—The franchise shall be vested
15 in a resident of the Virgin Islands who is—

16 (1) a citizen of the United States; and

17 (2) 21 years of age or over.

18 (b) ADDITIONAL QUALIFICATIONS.—Additional

19 qualifications may be prescribed by the Legislature of the
20 Virgin Islands.

21 (c) DISCRIMINATION PROHIBITED.—A property, lan-
22 guage, or income qualification shall not be imposed upon
23 or required of a voter, nor shall any discrimination in qual-
24 ification be made or based upon difference in race, color,
25 sex, or religious belief.

1 (d) CHANGE IN VOTING AGE.—The Legislature of
2 the Virgin Islands may enact legislation establishing the
3 voting age for residents of the Virgin Islands at an age
4 not lower than 18 years of age, if a majority of the quali-
5 fied voters in the Virgin Islands approve in a referendum
6 election held for that purpose.

7 **§ 50704. Citizenship requirement for government offi-**
8 **cial**

9 The following officials shall be citizens of the United
10 States:

11 (1) Members of the Legislature of the Virgin
12 Islands.

13 (2) The Governor.

14 (3) The Lieutenant Governor.

15 (4) Judges.

16 (5) Officials of the government of the Virgin Is-
17 lands who report directly to the Governor.

18 **§ 50705. Reports by Governor**

19 A report required by law to be made by the Governor
20 to an official of the United States shall be made to the
21 Secretary of the Interior.

22 **§ 50706. Jurisdiction of Secretary of the Interior**

23 The President may place all matters pertaining to the
24 government of the Virgin Islands under the jurisdiction
25 of the Secretary of the Interior, except—

1 (1) matters relating to the judicial branch of
2 the government of the Virgin Islands that, on July
3 22, 1954, are under the supervision of the Director
4 of the Administrative Office of the United States
5 Courts; and

6 (2) matters relating to the United States Attor-
7 ney and the United States Marshal that, on July 22,
8 1954, are under the supervision of the Attorney
9 General.

10 **§ 50707. Lease, sale, and transfer of property**

11 (a) SALE OR LEASE.—The Secretary of the Interior
12 may lease or sell, upon terms the Secretary considers ad-
13 vantageous to the Government of the United States, any
14 property of the United States under the Secretary's ad-
15 ministrative supervision in the Virgin Islands not needed
16 for public purposes.

17 (b) CONVEYANCE.—All right, title, and interest of the
18 United States in the property placed under the control of
19 the government of the Virgin Islands by section 50501 of
20 this title, not reserved to the United States by the Sec-
21 retary of the Interior within 120 days after October 5,
22 1974, is conveyed to the government of the Virgin Islands.

23 (c) NATIONAL PARK SYSTEM LANDS.—Land and
24 other property that on October 5, 1974, is administered
25 by the Secretary of the Interior as part of the National

1 Park System shall be retained by the United States, and
2 shall not be subject to the conveyance effected by sub-
3 section (b).

4 (d) CONVEYANCE OF OTHER PROPERTY.—Subject to
5 valid existing rights, title to all property in the Virgin Is-
6 lands that may have been acquired by the United States
7 from Denmark under the convention entered into January
8 17, 1917, not reserved or retained by the United States
9 in accordance with the provisions of sections 10121
10 through 10124 of this title is transferred to the govern-
11 ment of the Virgin Islands.

12 **§ 50708. System of accounts**

13 The Governor shall establish and maintain systems
14 of accounting and internal control designed to provide—

15 (1) full disclosure of the financial results of the
16 government's activities;

17 (2) adequate financial information needed for
18 the government's management purposes;

19 (3) effective control over and accountability for
20 all funds, property, and other assets for which the
21 government is responsible, including appropriate in-
22 ternal audit; and

23 (4) reliable accounting results to serve as the
24 basis for—

1 (A) the preparation and support of the
2 government's request for the approval of the
3 President, or the President's designated rep-
4 resentative, for the obligation and expenditure
5 of the internal revenue collections as provided
6 in sections 50802, 50803, 50804 of this title
7 and section 7652(b)(3) of the Internal Revenue
8 Code of 1986 (26 U.S.C. 7652(b)(3));

9 (B) the Governor's budget request to the
10 Legislature of the Virgin Islands; and

11 (C) the control of the execution of the
12 budget.

13 **§ 50709. Authorization of appropriations**

14 There are authorized to be appropriated annually by
15 Congress such sums as may be necessary and appropriate
16 to carry out the provisions and purposes of this chapter.

17 **Subchapter II—Bill of Rights**

18 **§ 50721. Rights and prohibitions**

19 (a) DUE PROCESS AND EQUAL PROTECTION.—No
20 law shall be enacted in the Virgin Islands that shall de-
21 prive any person of life, liberty, or property without due
22 process of law or deny to any person in the Virgin Islands
23 equal protection of the laws.

24 (b) RIGHTS OF THE ACCUSED.—In all criminal pros-
25 ecutions the accused shall enjoy the right—

1 (1) to be represented by counsel for the
2 accused's defense;

3 (2) to be informed of the nature and cause of
4 the accusation;

5 (3) to have a copy of the accusation;

6 (4) to have a speedy and public trial;

7 (5) to be confronted with the witnesses against
8 the accused; and

9 (6) to have compulsory process for obtaining
10 witnesses in the accused's favor.

11 (c) CRIMINAL CAUSES.—

12 (1) DUE PROCESS OF LAW.—No person shall be
13 held to answer for a criminal offense without due
14 process of law.

15 (2) DOUBLE JEOPARDY.—No person for the
16 same offense shall be twice put in jeopardy of pun-
17 ishment, nor be compelled in any criminal cause to
18 give evidence against oneself.

19 (3) JUDGE OR MAGISTRATE.—No person shall
20 sit as judge or magistrate in any case in which the
21 person has been engaged as attorney or prosecutor.

22 (d) BAIL.—All persons shall beailable by sufficient
23 sureties in the case of criminal offenses, except for first-
24 degree murder or any capital offense when the proof is
25 evident or the presumption great.

1 (e) CRUEL AND UNUSUAL PUNISHMENT.—Excessive
2 bail shall not be required, nor excessive fines imposed, nor
3 cruel and unusual punishment inflicted.

4 (f) CONTRACTS.—No law impairing the obligation of
5 contracts shall be enacted.

6 (g) DEBT.—No individual shall be imprisoned or
7 shall suffer forced labor for debt.

8 (h) HABEAS CORPUS.—All persons shall have the
9 privilege of the writ of habeas corpus, and the writ of ha-
10 beas corpus shall not be suspended except as expressly
11 provided.

12 (i) EX POST FACTO; BILL OF ATTAINDER.—No ex
13 post facto law or bill of attainder shall be enacted.

14 (j) TAKINGS COMPENSATION.—Private property shall
15 not be taken for public use except upon payment of just
16 compensation ascertained in the manner provided by law.

17 (k) SEARCH AND SEIZURE.—The right to be secure
18 against unreasonable searches and seizures shall not be
19 violated.

20 (l) WARRANTS.—No warrant for arrest or search
21 shall issue, but upon probable cause, supported by oath
22 or affirmation, and particularly describing the place to be
23 searched and the individuals or things to be seized.

24 (m) SLAVERY PROHIBITED.—Slavery shall not exist
25 in the Virgin Islands.

1 (n) INVOLUNTARY SERVITUDE.—Involuntary ser-
2 vitude, except as a punishment for crime for which the
3 party shall have been duly convicted by a court of law,
4 shall not exist in the Virgin Islands.

5 (o) SPECIFIC FREEDOMS.—No law shall be passed
6 abridging—

7 (1) the freedom of speech or of the press; or

8 (2) the right of the people peaceably to assem-
9 ble and petition the government for the redress of
10 grievances.

11 (p) RELIGION.—No law shall be made respecting an
12 establishment of religion or prohibiting the free exercise
13 of religion.

14 (q) SUPPORT OF GOVERNMENT.—No individual who
15 advocates, or who aids or belongs to any party, organiza-
16 tion, or association that advocates, the overthrow by force
17 or violence of the government of the Virgin Islands or of
18 the United States shall be qualified to hold an office of
19 trust or profit under the government of the Virgin Islands.

20 (r) TREASURY PAYMENTS.—Money shall not be paid
21 out of the Virgin Islands treasury except in accordance
22 with an Act of Congress or money bill of the Legislature
23 of the Virgin Islands and on warrant drawn by the proper
24 officer.

1 (s) MARRIAGE.—The contracting of polygamous or
2 plural marriages is prohibited.

3 (t) CHILD EMPLOYMENT.—The employment of chil-
4 dren under the age of 16 years in an occupation injurious
5 to health or morals or hazardous to life or limb is prohib-
6 ited.

7 (u) LEGISLATIVE POWERS.—This chapter shall not
8 be construed to limit the power of the Legislature of the
9 Virgin Islands to enact laws for the protection of life, the
10 public health, or the public safety.

11 (v) POLITICAL OR RELIGIOUS TEST PROHIBITED.—
12 No political or religious test other than an oath to support
13 the Constitution and the laws of the United States appli-
14 cable to the Virgin Islands, and the laws of the Virgin
15 Islands, shall be required as a qualification to an office
16 or public trust under the government of the Virgin Is-
17 lands.

18 (w) EXTENSION OF UNITED STATES CONSTITU-
19 TION.—The following provisions of and amendments to
20 the Constitution of the United States are extended to the
21 Virgin Islands to the extent that they have not been ex-
22 tended before August 23, 1968, and shall have the same
23 force and effect in the Virgin Islands as in the United
24 States or in any State of the United States—

25 (1) article I, section 9, clauses 2 and 3;

1 (2) article IV, section 1 and section 2, clause 1;

2 (3) article VI, clause 3;

3 (4) the 1st to 9th amendments inclusive;

4 (5) the 13th amendment;

5 (6) the 2d sentence of section 1 of the 14th
6 amendment; and

7 (7) the 15th and 19th amendments.

8 (x) CRIMINAL PROSECUTIONS.—

9 (1) OFFENSES AGAINST THE UNITED STATES
10 AND THE VIRGIN ISLANDS.—All offenses against the
11 laws of the United States and the laws of the Virgin
12 Islands that are prosecuted in the district court pur-
13 suant to subsections (a), (b), and (f) of section
14 50783 of this title may be had by indictment by
15 grand jury or by information.

16 (2) OFFENSES AGAINST THE VIRGIN IS-
17 LANDS.—All offenses against the laws of the Virgin
18 Islands that are prosecuted in the district court pur-
19 suant to subsections (c), (d), and (e) of section
20 50783 of this title or in the courts established by
21 local law shall continue to be prosecuted by informa-
22 tion, except as may be required by local law to be
23 prosecuted by indictment by grand jury.

24 (y) INCONSISTENT LAWS.—All laws enacted by Con-
25 gress with respect to the Virgin Islands before August 23,

1 1968, and all laws enacted by the Legislature of the Virgin
2 Islands before August 23, 1968, that are inconsistent with
3 the provisions of this section are repealed to the extent
4 of the inconsistency.

5 **Subchapter III—Legislative Branch**

6 **§ 50731. Legislative power and authority**

7 (a) IN GENERAL.—The legislative power and author-
8 ity of the Virgin Islands shall be vested in a legislature,
9 consisting of 1 house, to be designated the “Legislature
10 of the Virgin Islands”.

11 (b) COMPOSITION AND NUMBER OF MEMBERS.—The
12 Legislature of the Virgin Islands shall be composed of
13 members to be known as senators. The number of senators
14 shall be determined by the laws of the Virgin Islands.

15 (c) APPORTIONMENT AND VOTING.—

16 (1) APPORTIONMENT.—The apportionment of
17 the Legislature of the Virgin Islands shall be as pro-
18 vided by the laws of the Virgin Islands.

19 (2) EQUAL PROTECTION.—Apportionment of
20 the Legislature of the Virgin Islands shall not deny
21 to any individual in the Virgin Islands the equal pro-
22 tection of the law.

23 (3) VOTING FOR MEMBERS.—A voter in a dis-
24 trict election or at-large election shall be permitted
25 to vote for the whole number of individuals to be

1 elected in that district election or at-large election,
2 as the case may be.

3 (4) NUMBER OF MEMBERS.—Until the Legisla-
4 ture of the Virgin Islands shall provide otherwise—

5 (A) 4 members shall be elected at large;

6 (B) 5 members shall be elected from the
7 District of Saint Thomas, as the District was
8 constituted on July 22, 1954;

9 (C) 5 members shall be elected from the
10 District of Saint Croix, as the District was con-
11 stituted on July 22, 1954; and

12 (D) 1 member shall be elected from the
13 District of Saint John, as the District was con-
14 stituted on July 22, 1954.

15 **§ 50732. Terms of office**

16 (a) LENGTH OF TERM.—The term of office of each
17 member of the Legislature of the Virgin Islands shall be
18 2 years.

19 (b) COMMENCEMENT OF TERM.—The term of office
20 of each member shall commence on the 2d Monday in Jan-
21 uary following the member's election.

22 **§ 50733. Qualifications of members**

23 (a) QUALIFICATIONS.—To be eligible to be a member
24 of the Legislature of the Virgin Islands, an individual—

25 (1) shall be a citizen of the United States;

1 (2) shall have attained the age of 21 years;

2 (3) shall be a qualified voter in the Virgin Is-
3 lands;

4 (4) shall have been a bona fide resident of the
5 Virgin Islands for at least 3 years immediately pre-
6 ceding the date of the member's election; and

7 (5) shall not have been convicted of a felony or
8 of a crime involving moral turpitude unless the indi-
9 vidual received a pardon restoring the individual's
10 civil rights.

11 (b) INDIVIDUALS NOT ELIGIBLE.—Federal employ-
12 ees and individuals employed in the legislative, executive,
13 or judicial branches of the government of the Virgin Is-
14 lands shall not be eligible for membership in the Legisla-
15 ture of the Virgin Islands.

16 **§ 50734. Electoral officers and members of boards of**
17 **election**

18 (a) APPOINTMENT OF ELECTORAL OFFICERS AND
19 EMPLOYEES.—All officers and employees charged with the
20 duty of directing the administration of the electoral system
21 of the Virgin Islands and its representative districts shall
22 be appointed in the manner that the Legislature of the
23 Virgin Islands may by law direct.

24 (b) ELECTION OF MEMBERS OF BOARDS OF ELEC-
25 TIONS.—Members of boards of elections, which entities of

1 government have been organized and established by the
2 government of the Virgin Islands, shall be popularly elect-
3 ed.

4 **§ 50735. Member privileges**

5 (a) SPEECH OR DEBATE.—A member of the Legisla-
6 ture of the Virgin Islands shall not be held to answer be-
7 fore a tribunal other than the Legislature of the Virgin
8 Islands for any speech or debate in the Legislature of the
9 Virgin Islands.

10 (b) PRIVILEGE FROM ARREST.—A member of the
11 Legislature of the Virgin Islands shall in all cases, except
12 treason, felony, or breach of the peace, be privileged from
13 arrest during attendance at the sessions of the Legislature
14 of the Virgin Islands and in going to and returning from
15 sessions of the Legislature of the Virgin Islands.

16 **§ 50736. Compensation and allowances**

17 Each member of the Legislature of the Virgin Islands
18 shall be paid compensation and shall receive additional al-
19 lowances or benefits as may be fixed under the laws of
20 the Virgin Islands. The compensation, allowances, or bene-
21 fits, together with all other legislative expenses, shall be
22 appropriated by, and paid out of funds of, the government
23 of the Virgin Islands.

1 **§ 50737. Limitations on holding other office**

2 A member of the Legislature of the Virgin Islands
3 shall not hold or be appointed to an office that has been
4 created by the Legislature of the Virgin Islands, or the
5 salary or emoluments of which have been increased, while
6 the individual was a member, during the term for which
7 the member was elected, or during 1 year after the expira-
8 tion of the term.

9 **§ 50738. General powers**

10 The Legislature of the Virgin Islands shall—

11 (1) be the sole judge of the elections and quali-
12 fications of its members;

13 (2) have and exercise all the authority and at-
14 tributes inherent in legislative assemblies; and

15 (3) have the power to—

16 (A) institute and conduct investigations;

17 (B) issue subpoenas to witnesses and other
18 parties concerned; and

19 (C) administer oaths.

20 **§ 50739. Parliamentary rules**

21 The rules of the Legislative Assembly of the Virgin
22 Islands existing on July 22, 1954, shall continue in force
23 and effect for sessions of the Legislature of the Virgin Is-
24 lands, except as inconsistent with this chapter, until al-
25 tered, amended, or repealed by the Legislature of the Vir-
26 gin Islands.

1 **§ 50740. Vacancies**

2 The Legislature of the Virgin Islands shall by law
3 provide the procedure for filling a vacancy in the office
4 of member of the Legislature of the Virgin Islands.

5 **§ 50741. Legislative sessions**

6 (a) REGULAR SESSIONS.—Regular sessions of the
7 Legislature of the Virgin Islands shall be held annually,
8 commencing on the 2d Monday in January unless the Leg-
9 islature of the Virgin Islands shall by law fix a different
10 date, and shall continue for the term as the Legislature
11 of the Virgin Islands may provide.

12 (b) SPECIAL SESSIONS.—The Governor may call spe-
13 cial sessions of the Legislature of the Virgin Islands at
14 any time when, in the Governor's opinion, the public inter-
15 est may require it. No legislation shall be considered at
16 a special session other than that specified in the call for
17 the special session or in a special message by the Governor
18 to the Legislature of the Virgin Islands while in the special
19 session.

20 (c) OPEN TO PUBLIC.—All sessions of the Legisla-
21 ture of the Virgin Islands shall be open to the public.

22 (d) PLACE OF SESSIONS.—Sessions of the Legisla-
23 ture of the Virgin Islands shall be held in the capital of
24 the Virgin Islands at Charlotte Amalie, Saint Thomas.

1 **§ 50742. Scope of authority**

2 (a) IN GENERAL.—The legislative authority and
3 power of the Virgin Islands shall extend to all rightful sub-
4 jects of legislation not inconsistent with this chapter or
5 the laws of the United States made applicable to the Vir-
6 gin Islands.

7 (b) TREATY OR INTERNATIONAL AGREEMENT.—A
8 law shall not be enacted that would impair rights existing
9 or arising by virtue of a treaty or international agreement
10 entered into by the United States.

11 (c) TAXATION OF PROPERTY.—The lands or other
12 property of a nonresident shall not be taxed at a higher
13 rate than the lands or other property of a resident.

14 **§ 50743. Bonds for public improvement or under-**
15 **taking**

16 (a) IN GENERAL.—The Legislature of the Virgin Is-
17 lands may cause to be issued on behalf of the government
18 of the Virgin Islands bonds or other obligations for a pub-
19 lic improvement or public undertaking authorized by an
20 act of the Legislature of the Virgin Islands.

21 (b) PAYABLE FROM REVENUES DERIVED.—Bonds or
22 obligations issued pursuant to subsection (a) shall be pay-
23 able solely from the revenues directly derived from and
24 attributable to the public improvement, public under-
25 taking, or other project.

1 (c) ISSUANCE.—Bonds issued pursuant to subsection

2 (a)—

3 (1) may bear such date or dates as shall be pre-
4 scribed by the government of the Virgin Islands;

5 (2) may be in such denominations as shall be
6 prescribed by the government of the Virgin Islands;

7 (3) may mature in such amounts and at such
8 time or times, not exceeding 30 years from the date
9 of issuance, as shall be prescribed by the government
10 of the Virgin Islands;

11 (4) may be payable at such place or places as
12 shall be prescribed by the government of the Virgin
13 Islands;

14 (5) may carry such registration privileges as to
15 either principal and interest, or principal only, as
16 shall be prescribed by the government of the Virgin
17 Islands; and

18 (6) may be executed by such officers and in
19 such manner as shall be prescribed by the govern-
20 ment of the Virgin Islands.

21 (d) REDEMPTION.—A bond issued pursuant to sub-
22 section (a) may be redeemable (either with or without pre-
23 mium) or nonredeemable.

24 (e) VALIDITY OF SIGNATURES.—For a bond or cou-
25 pon issued under subsection (a), if the officer whose signa-

1 ture appears on the bond ceases to be in office before de-
2 livery of the bond, that signature, whether manual or fac-
3 simile, shall nevertheless be valid and sufficient for all pur-
4 poses, the same as if the officer had remained in office
5 until delivery.

6 (f) INTEREST RATE.—A bond issued pursuant to
7 subsection (a) shall bear interest at a rate not to exceed
8 that specified by the Legislature of the Virgin Islands,
9 payable semiannually.

10 (g) TAX EXEMPTION.—A bond issued pursuant to
11 subsection (a) by the government of the Virgin Islands or
12 by its authority shall be exempt as to principal and inter-
13 est from taxation by—

14 (1) the Government of the United States;

15 (2) the government of the Virgin Islands;

16 (3) a State or territory (including a possession)
17 of the United States or a political subdivision of a
18 State or territory (including a possession) of the
19 United States; or

20 (4) the District of Columbia.

21 (h) BOND NOT GENERAL OBLIGATION.—A bond
22 issued pursuant to subsection (a) shall not constitute a
23 general obligation of the Virgin Islands or of the United
24 States.

1 **§ 50744. Issuance of general obligation bonds for pub-**
2 **lic purposes**

3 (a) IN GENERAL.—Subject to the provisions of this
4 section, the Legislature of the Virgin Islands may cause
5 to be issued, for any public purpose authorized by the Leg-
6 islature of the Virgin Islands, such negotiable general obli-
7 gation bonds or other evidence of indebtedness, including
8 notes in anticipation of the collection of taxes or revenues,
9 as it may consider necessary and advisable.

10 (b) LIMITATION.—The indebtedness of the Virgin Is-
11 lands incurred under subsection (a) shall not exceed 10
12 percent of the aggregate assessed valuation of the taxable
13 real property in the Virgin Islands.

14 (c) ISSUANCE.—Bonds issued pursuant to subsection
15 (a)—

16 (1) shall bear such date or dates as shall be
17 prescribed by the Legislature of the Virgin Islands;

18 (2) may be in such denominations as shall be
19 prescribed by the Legislature of the Virgin Islands;

20 (3) may mature in such amounts and at such
21 time or times, not exceeding 30 years from the date
22 of issuance, as shall be prescribed by the Legislature
23 of the Virgin Islands;

24 (4) may be payable at such place or places as
25 shall be prescribed by the Legislature of the Virgin
26 Islands;

1 (5) may be sold at either public or private sale
2 as shall be prescribed by the Legislature of the Vir-
3 gin Islands;

4 (6) may be redeemable (either with or without
5 premium) or nonredeemable as shall be prescribed
6 by the Legislature of the Virgin Islands;

7 (7) may carry such registration privileges as to
8 either principal and interest, or principal only, as
9 shall be prescribed by the Legislature of the Virgin
10 Islands; and

11 (8) may be executed by such officers and in
12 such manner as shall be prescribed by the Legisla-
13 ture of the Virgin Islands.

14 (d) VALIDITY OF SIGNATURES.—For a bond or cou-
15 pon issued under subsection (a), if the officer whose signa-
16 ture appears on the bond ceases to be in office before de-
17 livery of the bond, that signature, whether manual or fac-
18 simile, shall nevertheless be valid and sufficient for all pur-
19 poses, the same as if the officer had remained in office
20 until delivery.

21 (e) INTEREST RATE.—A bond issued under sub-
22 section (a) shall bear interest at a rate not to exceed that
23 specified by the Legislature of the Virgin Islands.

1 (f) TAX EXEMPTION.—A bond issued by the govern-
2 ment of the Virgin Islands, including specifically interest
3 on the bond, shall be exempt from taxation by—

4 (1) the Government of the United States;

5 (2) the government of the Virgin Islands or a
6 political subdivision of the Virgin Islands;

7 (3) a State or territory (including a possession)
8 of the United States or a political subdivision of a
9 State or territory (including a possession) of the
10 United States; or

11 (4) the District of Columbia.

12 (g) NOT A DEBT OF UNITED STATES.—A bond or
13 other obligation issued pursuant to subsection (a) shall not
14 be a debt of the United States, nor shall the United States
15 be liable on that bond or other obligation.

16 **§ 50745. Industrial development bonds**

17 (a) DEFINITION OF STATE.—In this section, the term
18 “State” includes the District of Columbia.

19 (b) ISSUANCE.—The Legislature of the Virgin Is-
20 lands may cause to be issued industrial development bonds
21 within the meaning of section 103(b)(2) of the Internal
22 Revenue Code of 1954 (26 U.S.C. 103(b)(2)) (as in effect
23 on October 5, 1984).

24 (c) TAXATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), an obligation issued under this section
3 and the income from that obligation shall be exempt
4 from State and local taxation.

5 (2) EXCEPTION.—An obligation issued under
6 this section shall not be exempt from State or local
7 gift, estate, inheritance, legacy, succession, or other
8 wealth transfer taxes.

9 (d) LOCAL TAXES.—The taxes imposed by a county,
10 municipality, territory (including a possession), or depend-
11 ency of the United States shall be treated as local taxes.

12 (e) FEDERAL INCOME TAX.—For exclusion of inter-
13 est for purposes of Federal income taxation, see section
14 103 of the Internal Revenue Code of 1986 (26 U.S.C.
15 103).

16 **§ 50746. Applicability of certain laws**

17 (a) CONTINUANCE OF LAWS.—The laws of the
18 United States applicable to the Virgin Islands on July 22,
19 1954, including laws made applicable to the Virgin Islands
20 by or pursuant to chapter 505 of this title, and all local
21 laws and ordinances in force in the Virgin Islands, or any
22 part of the Virgin Islands, on July 22, 1954, shall, to the
23 extent they are not inconsistent with this chapter, con-
24 tinue in force and effect until otherwise provided by Con-
25 gress.

1 (b) POWER TO AMEND, REPEAL, OR ENACT LOCAL
2 LAW.—The Legislature of the Virgin Islands shall have
3 power, when within its jurisdiction and not inconsistent
4 with this chapter—

5 (1) to amend, alter, modify, or repeal any local
6 law or ordinance, public or private, civil or criminal,
7 continued in force and effect by this chapter, except
8 as otherwise provided in this chapter; and

9 (2) to enact new laws not inconsistent with any
10 law of the United States applicable to the Virgin Is-
11 lands, subject to the power of Congress to annul an
12 Act of the Legislature of the Virgin Islands.

13 (c) CUSTOMS LAWS.—

14 (1) DUTY ALLOWED.—The Legislature of the
15 Virgin Islands may impose a customs duty on the
16 importation of an article into the Virgin Islands for
17 consumption in the Virgin Islands.

18 (2) RATE OF DUTY.—The rate of a customs
19 duty imposed on an article under this subsection
20 shall not exceed—

21 (A) if an ad valorem rate, 6 percent ad va-
22 lorem; or

23 (B) if a specific rate or a combination of
24 ad valorem and specific rate, the equivalent or
25 6 percent ad valorem.

1 (3) DUTY-FREE.—This subsection shall not
2 prohibit the Legislature of the Virgin Islands from
3 permitting the duty-free importation of an article.

4 (4) LIMITATION.—This subsection shall not be
5 construed as empowering the Legislature of the Vir-
6 gin Islands to repeal or amend any provision in law
7 in effect on the day before October 15, 1977, that
8 pertains to the customs valuation or customs classi-
9 fication of articles imported into the Virgin Islands.

10 **§ 50747. Legislative procedure and related matters**

11 (a) QUORUM AND METHOD OF VOTING ON BILLS.—
12 The number of members of the Legislature of the Virgin
13 Islands needed to constitute a quorum shall be determined
14 by the laws of the Virgin Islands. No bill shall become
15 a law unless it is passed at a meeting, at which a quorum
16 is present, by the affirmative vote of a majority of the
17 members present and voting, which vote shall be by yeas
18 and nays.

19 (b) ENACTING CLAUSE OF ACTS.—The enacting
20 clause of all acts shall be as follows: “Be it enacted by
21 the Legislature of the Virgin Islands”.

22 (c) GOVERNOR’S MESSAGE AND BUDGET.—The Gov-
23 ernor shall submit at the opening of each regular session
24 of the Legislature of the Virgin Islands a message on the
25 state of the Virgin Islands and a budget of estimated re-

1 ceipts and expenditures, which shall be the basis of the
2 appropriation bills for the ensuing fiscal year, which shall
3 commence on the 1st day of July or such other date as
4 the Legislature of the Virgin Islands may determine.

5 (d) PRESENTMENT, APPROVAL, AND DISAPPROVAL
6 OF BILLS.—

7 (1) PRESENTMENT.—Every bill passed by the
8 Legislature of the Virgin Islands shall, before it be-
9 comes a law, be presented to the Governor.

10 (2) APPROVAL.—If the Governor approves the
11 bill, the Governor shall sign it.

12 (3) DISAPPROVAL.—

13 (A) RETURN OF BILL WITH OBJEC-
14 TIONS.—If the Governor disapproves the bill,
15 the Governor shall, except as otherwise provided
16 in this subsection, return the bill, with the Gov-
17 ernor's objections, to the Legislature of the Vir-
18 gin Islands within 10 days (Sundays excepted)
19 after the bill is presented to the Governor.

20 (B) NONRETURN OF BILL.—If the Gov-
21 ernor does not return the bill within 10 days
22 (Sundays excepted) after the bill is presented to
23 the Governor, then the bill shall be a law in like
24 manner as if the Governor had signed it, unless
25 the Legislature of the Virgin Islands by ad-

1 journalment prevents the bill's return, in which
2 case the bill shall be a law if signed by the Gov-
3 ernor within 30 days after the bill was pre-
4 sented to the Governor; otherwise the bill shall
5 not be a law.

6 (C) RECONSIDERATION.—If a bill is re-
7 turned by the Governor with objections as pro-
8 vided in subparagraph (A), then the Legislature
9 of the Virgin Islands shall enter the Governor's
10 objections at large on its journal and, upon mo-
11 tion of a member of the Legislature of the Vir-
12 gin Islands, proceed to reconsider the bill. If,
13 after the reconsideration, $\frac{2}{3}$ of all the members
14 of the Legislature of the Virgin Islands pass the
15 bill, it shall be a law.

16 (D) SPECIAL RULES FOR BILLS CON-
17 TAINING APPROPRIATIONS.—If a bill presented
18 to the Governor contains several items of appro-
19 priation of money, the Governor may object to
20 1 or more of the items or to parts of the items
21 while approving the remainder of the bill. In
22 such case, the Governor shall append to the bill,
23 at the time of signing it, a statement of the
24 items or parts of items to which the Governor
25 objects. The items or parts of items to which

1 the Governor objects shall not take effect unless
2 the Legislature of the Virgin Islands, after re-
3 consideration upon motion of a member, passes
4 the items or parts of items by a vote of $\frac{2}{3}$ of
5 all the members of the Legislature of the Virgin
6 Islands.

7 (e) **USE OF PRIOR APPROPRIATIONS UPON FAILURE**
8 **TO PASS APPROPRIATION BILLS.**—At the termination of
9 a fiscal year, if the Legislature of the Virgin Islands has
10 failed to pass appropriation bills providing for payment
11 of the obligations and necessary current expenses of the
12 government of the Virgin Islands for the ensuing fiscal
13 year, then the sums appropriated in the last appropriation
14 bills for specified objects and purposes, so far as the same
15 may be applicable, shall be deemed to be reappropriated
16 item by item.

17 (f) **JOURNAL OF PROCEEDINGS.**—The Legislature of
18 the Virgin Islands shall keep a journal of its proceedings
19 and publish the journal. Every bill passed by the Legisla-
20 ture of the Virgin Islands and the yeas and nays on any
21 question shall be entered on the journal.

22 (g) **TRANSMITTAL OF LAWS TO CONGRESS.**—A list
23 of all laws enacted by the Legislature of the Virgin Islands
24 each year shall be transmitted with the annual report to
25 Congress required by section 50766(h) of this title.

1 **§ 50748. Elections**

2 General elections shall be held on the 1st Tuesday
3 after the 1st Monday in November, beginning with the
4 year 1956, and every 2 years thereafter.

5 **Subchapter IV—Executive Branch**

6 **§ 50761. Executive power**

7 (a) GOVERNOR.—The executive power of the Virgin
8 Islands shall be vested in an executive officer whose offi-
9 cial title shall be the “Governor of the Virgin Islands”.

10 (b) LIEUTENANT GOVERNOR.—There is established
11 the office of Lieutenant Governor of the Virgin Islands.
12 The Lieutenant Governor shall have the executive powers
13 and perform the duties that may be assigned by the Gov-
14 ernor or prescribed by this chapter or the laws of the Vir-
15 gin Islands.

16 **§ 50762. Elections**

17 (a) MAJORITY OF VOTES.—The Governor of the Vir-
18 gin Islands, together with the Lieutenant Governor, shall
19 be elected by a majority of the votes cast by the individuals
20 who are qualified to vote for the members of the Legisla-
21 ture of the Virgin Islands.

22 (b) SINGLE VOTE FOR BOTH OFFICES.—The Gov-
23 ernor and Lieutenant Governor shall be chosen jointly, by
24 the casting by each voter of a single vote applicable to
25 both officers.

1 (c) RUNOFF ELECTION.—If no candidates receive a
2 majority of the votes cast in an election, on the 14th day
3 after the election, a runoff election shall be held between
4 the candidates for Governor and Lieutenant Governor re-
5 ceiving the highest and 2d highest number of votes cast.

6 (d) FREQUENCY OF ELECTION.—Beginning with the
7 year 1974, the Governor and Lieutenant Governor shall
8 be elected every 4 years at the general election.

9 **§ 50763. Term of office**

10 (a) LENGTH OF TERM.—The Governor and Lieuten-
11 ant Governor shall hold office for a term of 4 years and
12 until successors are elected and qualified.

13 (b) LIMITATIONS.—An individual who has been elect-
14 ed Governor for 2 full successive terms shall not again
15 be eligible to hold that office until 1 full term has inter-
16 vened.

17 (c) COMMENCEMENT OF TERM.—The term of the
18 elected Governor and Lieutenant Governor shall com-
19 mence on the 1st Monday of January following the date
20 of election.

21 **§ 50764. Eligibility**

22 An individual shall be eligible for election to the office
23 of Governor or Lieutenant Governor only if the indi-
24 vidual—

25 (1) is an eligible voter;

1 (2) has been a citizen of the United States and
2 a bona fide resident of the Virgin Islands for at least
3 5 consecutive years immediately preceding the elec-
4 tion; and

5 (3) will be, at the time of taking office, at least
6 30 years of age.

7 **§ 50765. Governor's residence**

8 The Governor shall maintain the Governor's official
9 residence in the Government House on Saint Thomas dur-
10 ing the Governor's incumbency, which house, together
11 with land appurtenant thereto, is transferred to the gov-
12 ernment of the Virgin Islands. While in Saint Croix, the
13 Governor may reside in Government House on Saint
14 Croix, which house, together with land appurtenant there-
15 to is also transferred to the government of the Virgin Is-
16 lands.

17 **§ 50766. Powers and duties of Governor**

18 (a) SUPERVISION AND CONTROL.—The Governor
19 shall have general supervision and control of all the de-
20 partments, bureaus, agencies, and other instrumentalities
21 of the executive branch of the government of the Virgin
22 Islands.

23 (b) PARDONS AND REPRIEVES.—The Governor may
24 grant pardons and reprieves and remit fines and forfeit-
25 ures for offenses against local laws.

1 (c) VETO POWER.—The Governor may veto any legis-
2 lation as provided in this chapter.

3 (d) APPOINTMENT AND REMOVAL POWER.—The
4 Governor shall appoint, and may remove, all officers and
5 employees of the executive branch of the government of
6 the Virgin Islands, except as otherwise provided in this
7 chapter, another Federal statute, or the laws of the Virgin
8 Islands. The Governor shall commission all officers that
9 the Governor may be authorized to appoint.

10 (e) EXECUTION OF LAWS.—The Governor shall be re-
11 sponsible for the faithful execution of the laws of the Vir-
12 gin Islands and the laws of the United States applicable
13 in the Virgin Islands.

14 (f) SUMMONING ASSISTANCE.—Whenever it becomes
15 necessary, in case of disaster, invasion, insurrection, or re-
16 bellion or imminent danger of disaster, invasion, insurrec-
17 tion, or rebellion, or to prevent or suppress lawless vio-
18 lence, the Governor may summon the posse comitatus or
19 call out the militia or request assistance of the senior mili-
20 tary or naval commander of the Armed Forces of the
21 United States in Puerto Rico or the Virgin Islands, which
22 may be given at the discretion of the commander if not
23 disruptive of, or inconsistent with, the commander's Fed-
24 eral responsibilities.

1 (g) DECLARATION OF MARTIAL LAW.—The Governor
2 may, in case of rebellion or invasion or imminent danger
3 of rebellion or invasion, when the public safety requires
4 it, proclaim the islands, insofar as they are under the ju-
5 risdiction of the government of the Virgin Islands, to be
6 under martial law. The members of the Legislature of the
7 Virgin Islands shall meet immediately on their own initia-
8 tive and may, by a $\frac{2}{3}$ vote, revoke the proclamation.

9 (h) REPORTS.—The Governor shall prepare, publish,
10 and submit to Congress and the Secretary of the Interior
11 a comprehensive annual financial report in conformance
12 with the standards of the National Council on Govern-
13 mental Accounting not later than 120 days after the close
14 of the fiscal year. The comprehensive annual financial re-
15 port shall include statistical data as set forth in the stand-
16 ards of the National Council on Governmental Accounting
17 relating to the physical, economic, social, and political
18 characteristics of the government, and any other informa-
19 tion required by Congress. The Governor shall also make
20 other reports at other times that may be required by Con-
21 gress or under applicable Federal law.

22 (i) EXECUTIVE ORDERS AND REGULATIONS.—The
23 Governor shall have the power to issue executive orders
24 and regulations not in conflict with any applicable law.

1 (j) RELATIONSHIP WITH LEGISLATURE.—The Gov-
2 ernor may recommend bills to the Legislature of the Vir-
3 gin Islands and give expression to the Governor’s views
4 on any matter before the Legislature of the Virgin Islands.

5 **§ 50767. Initiative and recall**

6 (a) DEFINITIONS.—In this section:

7 (1) LAW.—The term “law” means a law of the
8 Virgin Islands.

9 (2) VOTER.—The term “voter” means a reg-
10 istered voter who is eligible to vote on the issue or
11 for the office involved.

12 (b) GRANT OF RIGHTS.—The people of the Virgin Is-
13 lands shall have the rights of initiative and recall to be
14 exercised as provided in subsection (c) and subsection (d),
15 respectively.

16 (c) INITIATIVE.—

17 (1) IN GENERAL.—An initiative may enact,
18 amend, or repeal a law, except that an initiative
19 shall not be used to repeal a law declared by the
20 Legislature of the Virgin Islands at the time of pas-
21 sage to be an emergency law necessary for the pres-
22 ervation of the public health, safety, or peace.

23 (2) REDUCTION OF TAXES.—An initiative that
24 proposes a reduction of taxes shall also provide for

1 an equivalent reduction of expenditures or an equiv-
2 alent increase in revenues from other sources.

3 (3) SUBJECT OF INITIATIVE.—An initiative
4 shall address 1 subject only and matters reasonably
5 related to that subject.

6 (4) BALLOT QUESTION FORM.—The ballot
7 question shall be in such form that a “yes” vote is
8 a vote in favor of the proposal and a “no” vote is
9 a vote against the proposal.

10 (5) PRELIMINARY PETITION.—

11 (A) SUBMISSION TO SUPERVISOR OF ELEC-
12 TIONS.—A copy of the proposed initiative peti-
13 tion, including a complete text of the proposed
14 law and containing signatures equal to at least
15 1 percent of the voters of each legislative dis-
16 trict or 4 percent of all voters of the Virgin Is-
17 lands, must be submitted to the Supervisor of
18 Elections prior to circulation for ballot quali-
19 fication.

20 (B) SUFFICIENCY OF SIGNATURES.—The
21 Supervisor of Elections must determine not
22 later than 10 days after the submission whether
23 the preliminary signatures are sufficient.

24 (C) REFERRAL TO TITLING BOARD.—If the
25 preliminary signatures are determined to be

1 sufficient, the Supervisor of Elections shall
2 refer the preliminary petition to an initiative ti-
3 tling board consisting of the Attorney General,
4 the Supervisor of Elections, and the legislative
5 counsel of the Legislature of the Virgin Islands.
6 The board shall, in an open hearing, prepare
7 the official ballot title, the submission question,
8 and a summary of the initiative proposal. This
9 preparation shall be completed not later than
10 30 days after the referral.

11 (6) CONSIDERATION OF INITIATIVE.—

12 (A) CIRCULATION OF PETITION.—After
13 the ballot title has been written as provided in
14 paragraph (5), proponents of the initiative pro-
15 posal shall have a maximum of 180 days to cir-
16 culate the petition.

17 (B) SUBMISSION TO SUPERVISOR OF ELEC-
18 TIONS.—Petitions containing signatures equal
19 to at least 10 percent of the voters of each leg-
20 islative district or 41 percent of all voters of the
21 Virgin Islands must be submitted to the Super-
22 visor of Elections.

23 (C) DETERMINATION OF VALID SIGNA-
24 TURES BY SUPERVISOR OF ELECTIONS AND
25 FORWARDING OF INITIATIVE PROPOSAL TO LEG-

1 ISLATURE OF THE VIRGIN ISLANDS.—The Su-
2 pervisor of Elections shall have 15 days to de-
3 termine that the minimum number of valid sig-
4 natures are contained in the petition, and the
5 Supervisor of Elections shall forward the cer-
6 tified proposal to the Legislature of the Virgin
7 Islands, which must accept or reject the meas-
8 ure within 30 days. If approved, the initiative
9 shall take effect in accordance with its terms.

10 (D) SUBMISSION OF INITIATIVE TO VOT-
11 ERS.—If the Legislature of the Virgin Islands
12 does not approve the proposed initiative, then
13 the initiative shall be submitted to the voters at
14 the next general election, unless the Legislature
15 of the Virgin Islands approves a special election
16 for that purpose. The Legislature of the Virgin
17 Islands may submit its own version of the ini-
18 tiative to the voters. Should both measures be
19 approved by the voters, the measure receiving
20 the higher number of votes shall prevail. The
21 voters shall have a clear alternative of rejecting
22 either version or the entire proposition.

23 (7) APPROVAL OF INITIATIVE BY VOTERS.—An
24 initiative submitted to the voters shall take effect if
25 the initiative is approved by a majority of persons

1 voting and if a majority of the voters of the Virgin
2 Islands votes on the initiative.

3 (8) LIMITATIONS ON VETO, AMENDMENT, OR
4 REPEAL OF APPROVED INITIATIVE.—An initiative
5 may not be vetoed by the Governor, and when ap-
6 proved by the voters, may not be amended or re-
7 pealed by the Legislature of the Virgin Islands dur-
8 ing the 3-year period after its approval unless the
9 Legislature of the Virgin Islands acts by a $\frac{2}{3}$ major-
10 ity.

11 (9) LEGISLATIVE AUTHORITY.—The Legislature
12 of the Virgin Islands may provide the manner in
13 which petitions shall be circulated, filed, and cer-
14 tified, and the manner in which the ballot question
15 shall be submitted to the voters.

16 (d) RECALL.—

17 (1) IN GENERAL.—An elected public official of
18 the Virgin Islands may be removed from office by a
19 recall election carried out under this subsection. The
20 grounds for recall are any of the following:

21 (A) Lack of fitness.

22 (B) Incompetence.

23 (C) Neglect of duty.

24 (D) Corruption.

1 (2) INITIATION OF RECALL ELECTION.—A re-
2 call election may be initiated—

3 (A) by a $\frac{2}{3}$ vote of the members of the
4 Legislature of the Virgin Islands; or

5 (B) by a petition as provided in paragraph
6 (3).

7 (3) RECALL PETITION.—

8 (A) SUBMISSION TO SUPERVISOR OF ELEC-
9 TIONS.—Prior to circulation, a recall petition
10 that identifies by name and office the official
11 being recalled, and that states the grounds for
12 recall, shall be submitted to the Supervisor of
13 Elections.

14 (B) REQUIRED SIGNATURES.—After sub-
15 mission of the recall petition to the Supervisor
16 of Elections under subparagraph (A), the spon-
17 sors of the recall petition shall be allowed a pe-
18 riod of 60 days to file with the Supervisor of
19 Elections a list of signatures equal in number
20 to at least 50 percent of the whole number of
21 votes cast for the office in the last general elec-
22 tion in which the office was filled.

23 (C) DETERMINATION OF MINIMUM NUM-
24 BER OF VALID SIGNATURES.—The Supervisor
25 of Elections shall have 15 days in which to de-

1 termine whether the minimum number of valid
2 signatures are contained in the recall petition.

3 (4) TIME FOR RECALL ELECTION.—A special
4 recall election shall be held with respect to an elected
5 public official not earlier than 30 days, and not later
6 than 60 days, after a vote of the Legislature of the
7 Virgin Islands under paragraph (2)(A), or a deter-
8 mination by the Supervisor of Elections under para-
9 graph (3)(C), as the case may be.

10 (5) REMOVAL FROM OFFICE.—An official shall
11 be removed from office upon approval of the recall
12 in an election in which—

13 (A) the number of votes in favor of recall
14 is at least $\frac{2}{3}$ of the number of votes for the of-
15 ficial in the last preceding general election in
16 which the official was elected; and

17 (B) the number of votes in favor of recall
18 constitutes a majority of all votes cast in the re-
19 call election.

20 (6) LIMITATIONS.—No recall election shall be
21 held with respect to an elected public official—

22 (A) during the 1st year of the 1st term of
23 office of the official; or

24 (B) less than 3 months before a general
25 election for the office.

1 **§ 50768. Vacancy in office**

2 (a) VACANCY IN OFFICE OF GOVERNOR.—

3 (1) TEMPORARY DISABILITY OR ABSENCE.—In
4 case of the temporary disability or temporary ab-
5 sence of the Governor, the Lieutenant Governor
6 shall have the powers of the Governor.

7 (2) PERMANENT VACANCY.—In case of a per-
8 manent vacancy in the office of Governor, arising by
9 reason of the death, resignation, removal by recall,
10 or permanent disability of the Governor, or the
11 death, resignation, or permanent disability of a Gov-
12 ernor-elect, or for any other reason, the Lieutenant
13 Governor or Lieutenant Governor-elect shall become
14 the Governor, to hold office for the unexpired term
15 and until that individual (or that individual's suc-
16 cessor) is duly elected and qualified at the next reg-
17 ular election for Governor.

18 (b) VACANCY IN OFFICE OF LIEUTENANT GOV-
19 ERNOR.—

20 (1) TEMPORARY DISABILITY OR ABSENCE.—In
21 case of the temporary disability or temporary ab-
22 sence of the Lieutenant Governor, or during any pe-
23 riod when the Lieutenant Governor is acting as Gov-
24 ernor, the president of the Legislature of the Virgin
25 Islands shall act as Lieutenant Governor.

1 (2) PERMANENT VACANCY.—In case of a per-
2 manent vacancy in the office of Lieutenant Gov-
3 ernor, arising by reason of the death, resignation, or
4 permanent disability of the Lieutenant Governor, or
5 because the Lieutenant Governor or Lieutenant Gov-
6 ernor-elect has succeeded to the office of Governor,
7 the Governor shall appoint a new Lieutenant Gov-
8 ernor, with the advice and consent of the Legislature
9 of the Virgin Islands, to hold office for the unex-
10 pired term and until the Lieutenant Governor or the
11 Lieutenant Governor’s successor is duly elected and
12 qualified at the next regular election for Lieutenant
13 Governor.

14 (c) VACANCY IN OFFICE OF GOVERNOR AND LIEU-
15 TENANT GOVERNOR.—

16 (1) TEMPORARY DISABILITY OR ABSENCE.—In
17 case of the temporary disability or temporary ab-
18 sence of both the Governor and the Lieutenant Gov-
19 ernor, the powers of the Governor shall be exercised
20 by an individual who serves as Acting Governor as
21 prescribed by the laws of the Virgin Islands.

22 (2) PERMANENT VACANCY.—In case of a per-
23 manent vacancy in the offices of both the Governor
24 and Lieutenant Governor, the office of Governor

1 shall be filled for the unexpired term in the manner
2 prescribed by the laws of the Virgin Islands.

3 (d) **ADDITIONAL COMPENSATION.**—No additional
4 compensation shall be paid to an individual acting as Gov-
5 ernor or Lieutenant Governor who does not also assume
6 the office of Governor or Lieutenant Governor under the
7 provisions of this chapter.

8 **§ 50769. Organization of government**

9 (a) **INDEPENDENT EXECUTIVE DEPARTMENTS.**—
10 With respect to the independent executive departments es-
11 tablished by the Governor under the 1st sentence of sec-
12 tion 16(a) of the Revised Organic Act of the Virgin Islands
13 (ch. 558, 68 Stat. 504), the following provisions apply:

14 (1) **DESIGNATION OF HEADS OF EXECUTIVE**
15 **DEPARTMENTS.**—Except as provided in paragraph
16 (2), the head of each executive department shall be
17 designated as the commissioner of that executive de-
18 partment.

19 (2) **DESIGNATION OF HEAD OF DEPARTMENT**
20 **OF LAW.**—The head of the department of law shall
21 be known as the attorney general of the Virgin Is-
22 lands.

23 (3) **COMMISSIONER OF FINANCE TO BE BOND-**
24 **ED.**—The commissioner of finance shall be bonded.

1 (4) MEMBERS OF SCHOOL BOARDS TO BE POP-
2 ULARLY ELECTED.—Members of school boards,
3 which entities of government have been duly orga-
4 nized and established by the government of the Vir-
5 gin Islands, shall be popularly elected.

6 (b) EXAMINATION AND REORGANIZATION OF EXECU-
7 TIVE BRANCH.—After complying with the provisions of
8 the 1st sentence of section 16(a) of the Revised Organic
9 Act of the Virgin Islands (ch. 558, 68 Stat. 504), the Gov-
10 ernor shall, from time to time, examine the organization
11 of the executive branch of the government of the Virgin
12 Islands. Subject to the approval of the Legislature of the
13 Virgin Islands, and not inconsistent with this chapter, the
14 Governor shall make such changes in the organization of
15 the executive branch of the government of the Virgin Is-
16 lands as the Governor determines are necessary to pro-
17 mote effective management and to execute faithfully the
18 purposes of this chapter and the laws of the Virgin Is-
19 lands.

20 (c) HEADS OF EXECUTIVE DEPARTMENTS CREATED
21 UNDER CHAPTER.—The head of an executive department
22 created under this chapter—

23 (1) shall be appointed by the Governor, with the
24 advice and consent of the Legislature of the Virgin
25 Islands;

1 (2) shall hold office during the continuance in
2 office of the Governor who appointed the head of the
3 executive department, and until a successor is ap-
4 pointed and qualified, unless the Governor removes
5 the head of the executive department; and

6 (3) shall have such powers and duties as may
7 be prescribed by the Legislature of the Virgin Is-
8 lands.

9 (d) BOARDS, AUTHORITIES, AND COMMISSIONS ES-
10 TABLISHED BY LAWS OF VIRGIN ISLANDS.—

11 (1) APPOINTMENTS.—If a board, authority, or
12 commission established by the laws of the Virgin Is-
13 lands has quasi-judicial functions, then the chairman
14 and members of the board, authority, or commission
15 shall, if the laws of the Virgin Islands provide, also
16 be appointed by the Governor with the advice and
17 consent of the Legislature of the Virgin Islands.

18 (2) LIMITATION ON LAWS OF VIRGIN IS-
19 LANDS.—A law of the Virgin Islands dealing with
20 the chairmanship, membership, or chairmanship and
21 membership of a board, authority, or commission de-
22 scribed in paragraph (1), and requiring an appoint-
23 ment or appointments to be made with the advice
24 and consent of the Legislature of the Virgin Islands,
25 shall not relate to more than 1 board, authority, or

1 commission, and shall not relate to any other legisla-
2 tive matter.

3 **§ 50770. Functions, powers, and duties vested**

4 (a) AUDITING AND REPORTING AUTHORITY.—The
5 following functions, powers, and duties are vested in the
6 Inspector General, Department of the Interior, for the
7 purpose of establishing an organization that will maintain
8 a satisfactory level of independent audit oversight of the
9 government of the Virgin Islands:

10 (1) The authority to audit all accounts per-
11 taining to the revenue and receipts of the govern-
12 ment of the Virgin Islands, and of funds derived
13 from bond issues, and the authority to audit, in ac-
14 cordance with law and administrative regulations, all
15 expenditures of funds and property pertaining to the
16 government of the Virgin Islands, including those
17 pertaining to trust funds held by the government of
18 the Virgin Islands.

19 (2) The authority to report to the Secretary of
20 the Interior and the Governor of the Virgin Islands
21 all failures to collect amounts due the government,
22 and expenditures of funds or uses of property that
23 are irregular or not pursuant to law.

24 (b) SCOPE OF AUTHORITY.—The authority granted
25 in subsection (a) shall extend to all activities of the gov-

1 ernment of the Virgin Islands, and shall be in addition
2 to the authority conferred upon the Inspector General by
3 chapter 4 of title 5.

4 **Subchapter V—Judicial Branch**

5 **§ 50781. Judicial power**

6 The judicial power of the Virgin Islands shall be vest-
7 ed in—

8 (1) a court of record designated the “District
9 Court of the Virgin Islands” established by Con-
10 gress; and

11 (2) an appellate court and lower local courts as
12 may be established by local law.

13 **§ 50782. Local courts**

14 (a) LOCAL COURT JURISDICTION.—The Legislature
15 of the Virgin Islands may vest in the courts of the Virgin
16 Islands established by local law jurisdiction over all causes
17 in the Virgin Islands over which any court established by
18 the Constitution and laws of the United States does not
19 have exclusive jurisdiction. Jurisdiction shall be subject to
20 the concurrent jurisdiction conferred on the District Court
21 of the Virgin Islands by subsections (a), (b), and (f) of
22 section 50783 of this title.

23 (b) PRACTICE AND PROCEDURE.—The rules gov-
24 erning the practice and procedure of the courts established
25 by local law and those prescribing the qualifications and

1 duties of the judges and officers of those courts, oaths and
2 bonds, and the times and places of holding court shall be
3 governed by local law or the rules promulgated by those
4 courts.

5 **§ 50783. District court jurisdiction**

6 (a) IN GENERAL.—The District Court of the Virgin
7 Islands shall have the jurisdiction of a District Court of
8 the United States, including the diversity jurisdiction pro-
9 vided for in section 1332 of title 28, and that of a bank-
10 ruptcy court of the United States.

11 (b) INCOME TAX PROCEEDINGS.—The District Court
12 of the Virgin Islands shall have exclusive jurisdiction over
13 all criminal and civil proceedings in the Virgin Islands
14 with respect to the income tax laws applicable to the Vir-
15 gin Islands, regardless of the degree of the offense or of
16 the amount involved, except the ancillary laws relating to
17 the income tax enacted by the Legislature of the Virgin
18 Islands. An act or failure to act with respect to the income
19 tax laws applicable to the Virgin Islands that would con-
20 stitute a criminal offense described in chapter 75 of sub-
21 title F of the Internal Revenue Code of 1986 (26 U.S.C.
22 7201 et seq.) shall constitute an offense against the gov-
23 ernment of the Virgin Islands and may be prosecuted in
24 the name of the government of the Virgin Islands by an
25 appropriate officer of the government of the Virgin Islands

1 in the District Court of the Virgin Islands without the re-
2 quest or the consent of the United States attorney for the
3 Virgin Islands, notwithstanding the provisions of section
4 50791 of this title.

5 (c) GENERAL JURISDICTION.—In addition to the ju-
6 risdiction described in subsections (a) and (b), the District
7 Court of the Virgin Islands shall have general original ju-
8 risdiction in all causes in the Virgin Islands if jurisdiction
9 is not then vested by local law in the local courts of the
10 Virgin Islands, subject to the limitations set forth in sub-
11 section (d).

12 (d) LIMITATIONS OF JURISDICTION.—The jurisdic-
13 tion of the District Court of the Virgin Islands under sub-
14 section (c) shall not extend to, and the courts established
15 by local law shall have jurisdiction over—

16 (1) civil actions when the matter in controversy
17 does not exceed the sum or value of \$500, exclusive
18 of interest and costs;

19 (2) criminal cases in which the maximum pun-
20 ishment that may be imposed does not exceed a fine
21 of \$100 or imprisonment for 6 months, or both; and

22 (3) violations of local police and executive regu-
23 lations.

24 (e) DISTRICT COURT CONSIDERED TO BE LOCAL
25 COURT FOR CERTAIN PURPOSES.—In causes brought in

1 the district court solely on the basis of subsection (c), the
2 district court shall be considered a court established by
3 local law for the purposes of determining the availability
4 of indictment by grand jury or trial by jury.

5 (f) CONCURRENT JURISDICTION.—The District
6 Court of the Virgin Islands shall have concurrent jurisdic-
7 tion with the courts of the Virgin Islands established by
8 local law over offenses against the criminal laws of the
9 Virgin Islands, whether felonies or misdemeanors or both,
10 that are of the same or similar character or part of, or
11 based on, the same act or transaction or 2 or more acts
12 or transactions connected together or constituting part of
13 a common scheme or plan, if the act or transaction or
14 acts or transactions also constitutes or constitute an of-
15 fense or offenses against 1 or more of the statutes over
16 which the District Court of the Virgin Islands has jurisdic-
17 tion pursuant to subsections (a) through (c).

18 **§ 50784. Relations between courts of the United**
19 **States and the Virgin Islands**

20 The relations between the courts established by the
21 Constitution or laws of the United States and the courts
22 established by local law with respect to appeals, certiorari,
23 removal of causes, the issuance of writs of habeas corpus,
24 and other matters or proceedings shall be governed by the
25 laws of the United States pertaining to the relations be-

1 tween the courts of the United States, including the Su-
2 preme Court of the United States, and the courts of a
3 State in those matters and proceedings.

4 **§ 50785. District court judges**

5 (a) APPOINTMENT AND TERM.—The President shall,
6 by and with the advice and consent of the Senate, appoint
7 2 judges for the District Court of the Virgin Islands, who
8 shall hold office for terms of 10 years and until successors
9 are chosen and qualified, unless sooner removed by the
10 President for cause.

11 (b) CHIEF JUDGE.—The judge of the district court
12 who is senior in continuous service and who otherwise
13 qualifies under section 136(a) of title 28 shall be the chief
14 judge of the court.

15 (c) SALARY.—The salary of a judge of the district
16 court shall be at the rate prescribed for judges of the
17 United States district courts.

18 (d) TEMPORARY ASSIGNMENT OF JUDGES TO DIS-
19 TRICT COURT OF VIRGIN ISLANDS.—

20 (1) IN GENERAL.—As provided in paragraphs

21 (2) and (3), a judge may be assigned to serve tem-
22 porarily as a judge of the District Court of the Vir-
23 gin Islands if it is made to appear that the assign-
24 ment is necessary for the proper dispatch of the
25 business of the court.

1 (2) ASSIGNMENT BY CHIEF JUDGE OF THIRD
2 CIRCUIT.—The chief judge of the Third Judicial Cir-
3 cuit of the United States may assign, under para-
4 graph (1), any of the following:

5 (A) A judge of a court of record of the Vir-
6 gin Islands established by local law.

7 (B) A circuit or district judge of the Third
8 Judicial Circuit.

9 (C) A recalled senior judge of the District
10 Court of the Virgin Islands.

11 (3) ASSIGNMENT BY CHIEF JUSTICE OF THE
12 UNITED STATES.—The Chief Justice of the United
13 States may assign, under paragraph (1), any other
14 United States circuit or district judge with the con-
15 sent of—

16 (A) the judge being assigned; and

17 (B) the chief judge of the circuit of the
18 judge being assigned.

19 (e) COMPENSATION AND EXPENSES.—The com-
20 pensation of the judges of the district court and the ad-
21 ministrative expenses of the court shall be paid from ap-
22 propriations made for the judiciary of the United States.

1 **§ 50786. Application of Federal law and procedure to**
2 **certain criminal offenses**

3 (a) IN GENERAL.—As appropriate, the provisions
4 specified in subsection (c) shall apply to—

5 (1) the District Court of the Virgin Islands;
6 and

7 (2) appeals from the District Court of the Vir-
8 gin Islands.

9 (b) MEANING OF CERTAIN TERMS.—When applicable
10 to causes arising under the income tax laws applicable to
11 the Virgin Islands, the terms “Attorney for the govern-
12 ment” and “United States attorney” as used in the Fed-
13 eral Rules of Criminal Procedure, shall mean the Attorney
14 General of the Virgin Islands or another individual author-
15 ized by the laws of the Virgin Islands to act in those cases.

16 (c) SPECIFIED PROVISIONS.—The provisions speci-
17 fied in this subsection are the following:

18 (1) Part II of title 18.

19 (2) Title 28.

20 (3) Notwithstanding the provisions of rule 7(a)
21 and of rule 1(a)(3)(C) of the Federal Rules of
22 Criminal Procedure relating to the requirement of
23 indictment and to the prosecution of criminal of-
24 fenses in the Virgin Islands by information, respec-
25 tively, the rules of practice made effective by Con-

1 gress or the Supreme Court of the United States
2 pursuant to titles 11, 18, and 28.

3 **§ 50787. Criminal prosecutions**

4 (a) INDICTMENT BY GRAND JURY OR INFORMA-
5 TION.—In the district court, indictment by grand jury or
6 information may be used to bring a criminal prosecution—

7 (1) under the laws of the United States;

8 (2) under local law under section 50783(f) of
9 this title; or

10 (3) under the income tax laws applicable to the
11 Virgin Islands.

12 (b) INVESTIGATION OR PRESENTMENT TO GRAND
13 JURY.—An offense that has been investigated by or pre-
14 sented to a grand jury may be prosecuted by information
15 only by leave of court or with the consent of the defendant.

16 (c) PROSECUTION UNDER LOCAL LAW.—All criminal
17 prosecutions arising under local law that are tried in the
18 district court pursuant to subsections (c), (d), and (e) of
19 section 50783 of this title shall continue to be had by in-
20 formation, except as may be required by the local law to
21 be prosecuted by indictment by grand jury.

22 **§ 50788. United States marshal**

23 The Attorney General shall appoint a United States
24 marshal for the Virgin Islands. Chapter 37 of title 28 shall

1 apply to the office of the United States marshal for the
2 Virgin Islands.

3 **§ 50789. Judicial divisions**

4 The Virgin Islands consists of 2 judicial divisions,
5 which are—

6 (1) the Division of Saint Croix, comprising the
7 island of Saint Croix and adjacent islands and cays;
8 and

9 (2) the Division of Saint Thomas and Saint
10 John, comprising the islands of Saint Thomas and
11 Saint John and adjacent islands and cays.

12 **§ 50790. Trial by jury**

13 (a) JURY DEMAND.—A criminal case originating in
14 the district court shall be tried by jury upon demand by
15 the defendant or by the Government.

16 (b) NO DEMAND.—If a jury is not demanded, the
17 case shall be tried by the judge of the district court with-
18 out a jury, except that the judge may, on the judge's own
19 motion, order a jury for the trial of a criminal action.

20 (c) MISDEMEANOR CASES.—The Legislature of the
21 Virgin Islands may provide for trial in a misdemeanor case
22 by a jury of 6 qualified individuals.

23 **§ 50791. United States attorney**

24 (a) APPOINTMENT.—The President shall, by and
25 with the advice and consent of the Senate, appoint a

1 United States attorney for the Virgin Islands. Chapter 35
2 of title 28 shall apply to the office of the United States
3 attorney for the Virgin Islands.

4 (b) DUTIES.—Except as otherwise provided by law,
5 it shall be the duty of the United States attorney to—

6 (1) prosecute all offenses against the United
7 States;

8 (2) conduct all legal proceedings, civil and
9 criminal, to which the Government of the United
10 States is a party in the district court and in the
11 courts established by local law; and

12 (3) prosecute in the district court in the name
13 of the government of the Virgin Islands all offenses
14 against the laws of the Virgin Islands that are cog-
15 nizable by the district court unless, at the United
16 States attorney's request or with the United States
17 attorney's consent, the prosecution of the case is
18 conducted by the attorney general of the Virgin Is-
19 lands.

20 (c) OTHER ACTIONS.—The United States attorney
21 may, when requested by the Governor or the attorney gen-
22 eral of the Virgin Islands, conduct other legal proceedings
23 to which the government of the Virgin Islands is a party
24 in the district court or the courts established by local law.

1 **Subchapter VI—Fiscal Provisions**

2 **§ 50801. Payment of official salaries**

3 The salaries and travel allowances of the Governor,
4 the Lieutenant Governor, the heads of the executive de-
5 partments, other officers and employees of the government
6 of the Virgin Islands, and the members of the Legislature
7 of the Virgin Islands shall be paid by the government of
8 the Virgin Islands at rates prescribed by the laws of the
9 Virgin Islands.

10 **§ 50802. Items to be paid into the treasury**

11 (a) DEFINITION OF INHABITANTS OF THE VIRGIN IS-
12 LANDS.—As used in this section, the term “inhabitants
13 of the Virgin Islands” shall include all persons whose per-
14 manent residence is in the Virgin Islands.

15 (b) INCOME TAX.—The inhabitants of the Virgin Is-
16 lands shall satisfy their income tax obligations under ap-
17 plicable taxing statutes of the United States by paying tax
18 on income derived from all sources both within and outside
19 the Virgin Islands into the treasury of the Virgin Islands.

20 (c) ITEMS TO BE PAID TO THE VIRGIN ISLANDS.—
21 The following shall be paid into the treasury of the Virgin
22 Islands, and shall be available for expenditure as the Leg-
23 islature of the Virgin Islands may provide:

24 (1) The proceeds of customs duties.

1 (2) The proceeds of the United States income
2 tax.

3 (3) The proceeds of taxes levied by Congress on
4 the inhabitants of the Virgin Islands.

5 (4) The proceeds of quarantine, passport, immi-
6 gration, and naturalization fees collected in the Vir-
7 gin Islands.

8 (d) LIMITATION.—This section shall not be construed
9 to apply to a tax specified in section 7651 of the Internal
10 Revenue Code of 1986 (26 U.S.C. 7651).

11 **§ 50803. Import provisions with respect to trade-**
12 **marks**

13 (a) IMPORTS INTO THE VIRGIN ISLANDS.—Section
14 42 of the Act of July 5, 1946 (15 U.S.C. 1124), and sec-
15 tion 526 of the Tariff Act of 1930 (19 U.S.C. 1526) shall
16 not apply to importations into the Virgin Islands of gen-
17 uine foreign merchandise bearing a genuine foreign trade-
18 mark, but shall remain applicable to importations of the
19 merchandise from the Virgin Islands into the United
20 States or its possessions.

21 (b) MERCHANDISE IN THE VIRGIN ISLANDS.—The
22 dealing in or possession of merchandise described in sub-
23 section (a) in the Virgin Islands shall not constitute a vio-
24 lation of a registrant's right under the Act of July 5, 1946
25 (15 U.S.C. 1051 et seq.).

1 **§ 50804. Import duties on articles entering the United**
2 **States or possessions from the Virgin Is-**
3 **lands**

4 All articles coming into the United States from the
5 Virgin Islands shall be subject to internal revenue taxes
6 as provided for in section 7652(b) of the Internal Revenue
7 Code of 1986 (26 U.S.C. 7652(b)).

8 **Chapter 509—Bonds**

Sec.

50901. Issuance of bonds by the government of the Virgin Islands or municipali-
ties.

50902. Revenue bonds.

50903. Priority for payment.

9 **§ 50901. Issuance of bonds by the government of the**
10 **Virgin Islands or municipalities**

11 (a) AUTHORIZED PURPOSES.—The government of
12 the Virgin Islands or a municipality of the Virgin Islands
13 may issue negotiable general obligation bonds and other
14 obligations—

15 (1) to construct, improve, extend, better, repair,
16 reconstruct, acquire, and operate any type of public
17 works, including streets, bridges, wharves, and har-
18 bor facilities, sewers and sewage-disposal plants, mu-
19 nicipal buildings, schools, libraries, gymnasias and
20 athletic fields, fire houses, electric distribution sys-
21 tems or other work pertaining to electric systems,
22 and other public utilities, including those owned or
23 operated by the Saint Thomas Power Authority; or

1 (2) to clear slums, accomplish urban redevelop-
2 ment, or provide low-rent housing.

3 (b) LIMIT ON INDEBTEDNESS.—

4 (1) MUNICIPALITIES.—The public indebtedness
5 of a municipality of the Virgin Islands shall not be
6 incurred in excess of 10 percent of the aggregate as-
7 sessed valuation of the taxable real property in the
8 municipality.

9 (2) GOVERNMENT.—The public indebtedness of
10 the government of the Virgin Islands shall not be in-
11 curred in excess of 10 percent of the aggregate as-
12 sessed valuation of the taxable real property in the
13 Virgin Islands.

14 (c) ISSUANCE OF BONDS.—A bond issued pursuant
15 to this section—

16 (1) shall bear such date or dates as shall be
17 prescribed by the government of the Virgin Islands
18 or of the municipality issuing the bond;

19 (2) may be in such denominations as shall be
20 prescribed by the government of the Virgin Islands
21 or of the municipality issuing the bond;

22 (3) may mature in such amounts and at such
23 time or times, not to exceed 30 years from the date
24 of issuance, as shall be prescribed by the government

1 of the Virgin Islands or of the municipality issuing
2 the bond;

3 (4) may be payable at such place or places as
4 shall be prescribed by the government of the Virgin
5 Islands or of the municipality issuing the bond;

6 (5) may be sold at either public or private sale
7 as shall be prescribed by the government of the Vir-
8 gin Islands or of the municipality issuing the bond;

9 (6) may be redeemable (either with or without
10 premium) or nonredeemable as shall be prescribed
11 by the government of the Virgin Islands or of the
12 municipality issuing the bond;

13 (7) may carry such registration privileges as to
14 either principal and interest, or principal only, as
15 shall be prescribed by the government of the Virgin
16 Islands or of the municipality issuing the bond; and

17 (8) may be executed by such officers and in
18 such manner as shall be prescribed by the govern-
19 ment of the Virgin Islands or by the municipality
20 issuing the bond.

21 (d) VALIDITY OF SIGNATURES.—If the officer whose
22 signature appears on the bond or coupon ceases to be an
23 officer before delivery of the bond, that signature, whether
24 manual or facsimile, shall nevertheless be valid and suffi-

1 cient for all purposes, the same as if the officer had re-
2 mained in office until delivery.

3 (e) INTEREST RATE.—A bond issued pursuant this
4 section shall bear interest at a rate not to exceed 4 percent
5 per year, payable semiannually.

6 (f) SALE OF BOND.—A bond issued pursuant to this
7 section shall be sold for not less than the principal amount
8 of the bond plus accrued interest.

9 (g) TAX EXEMPTION.—All bonds issued by the gov-
10 ernment of the Virgin Islands or a municipality of the Vir-
11 gin Islands, including specifically interest on the bond,
12 shall be exempt from taxation by—

13 (1) the Government of the United States;

14 (2) the government of the Virgin Islands or a
15 political subdivision of the Virgin Islands;

16 (3) a State or territory (including a possession)
17 of the United States or a political subdivision of a
18 State or territory (including a possession) of the
19 United States; or

20 (4) the District of Columbia.

21 (h) COLLECTION OF TAXES.—The government of the
22 Virgin Islands and any municipality of the Virgin Islands
23 shall be obliged to levy and collect sufficient taxes for serv-
24 icing any of the outstanding bonds.

1 (i) PROCEEDS OF BONDS.—The proceeds of the bond
2 issues or other obligations authorized in this section shall
3 be expended only for the public improvements set forth
4 in subsection (a), or for the reduction of the debt created
5 by the bond issue or obligation, unless otherwise author-
6 ized by Congress.

7 (j) BONDS NOT DEBT OF UNITED STATES.—A bond
8 or other obligation issued pursuant to this section shall
9 not be a debt of the United States, nor shall the United
10 States be liable on the bond or other obligation.

11 **§ 50902. Revenue bonds**

12 (a) AUTHORIZATION.—In addition to the authority
13 conferred by sections 50743 through 50745 of this title,
14 the Legislature of the Virgin Islands may cause to be
15 issued a bond or other obligation of the government of
16 the Virgin Islands in anticipation of revenues to be re-
17 ceived under section 7652(b)(3) of the Internal Revenue
18 Code of 1986 (26 U.S.C. 7652(b)(3)).

19 (b) PROCEEDS.—The proceeds of a bond or other ob-
20 ligation issued under this section may be used for any pur-
21 pose authorized by an act of the Legislature of the Virgin
22 Islands.

23 (c) REFERENDUM.—The Legislature of the Virgin Is-
24 lands may initiate, by majority vote of the members, a
25 binding referendum vote to approve or disapprove—

1 (1) the amount of a bond or other obligation
2 issued under this section; and

3 (2) any purpose for which a bond or other obli-
4 gation issued under this section is authorized.

5 (d) LIMITATIONS ON ISSUANCE.—Except to the ex-
6 tent inconsistent with the provisions specified in sub-
7 section (e), the provisions of section 50744 of this title
8 (other than the limitation contained in section 50744(b)
9 of this title) shall apply to a bond or other obligation au-
10 thorized to be issued under this section.

11 (e) SPECIFIED PROVISIONS.—The provisions speci-
12 fied in this subsection are the following:

13 (1) This section.

14 (2) Section 50903 of this title.

15 (3) Sections 1(b) and 2 of Public Law 94–392
16 (90 Stat. 1193), as amended by section 407 of Pub-
17 lic Law 96–205 (94 Stat. 89), title I (4th proviso
18 under heading “ADMINISTRATION OF TERRITORIES”,
19 under heading “TERRITORIAL AND INTER-
20 NATIONAL AFFAIRS”) of Public Law 98–146
21 (97 Stat. 931), and section 4(b) of Public Law 98–
22 213 (97 Stat. 1460).

23 **§ 50903. Priority for payment**

24 (a) PARITY LIEN.—Each issue of a bond or other ob-
25 ligation issued under section 50902(a) of this title shall

1 have a parity lien with every other issue of a bond or other
2 obligation issued for payment of principal and interest out
3 of revenues received under section 7652(b)(3) of the Inter-
4 nal Revenue Code of 1986 (26 U.S.C. 7652(b)(3)).

5 (b) EXCEPTION.—Issues guaranteed under section 2
6 of Public Law 94–392 (90 Stat. 1193), as amended by
7 section 407 of Public Law 96–205 (94 Stat. 89), title I
8 (4th proviso under heading “ADMINISTRATION OF TERRI-
9 TORIES”, under heading “TERRITORIAL AND INTER-
10 NATIONAL AFFAIRS”) of Public Law 98–146 (97 Stat.
11 931), and section 4(b) of Public Law 98–213 (97 Stat.
12 1460), shall have priority, according to the date of issue,
13 over issues not so guaranteed and the revenues received
14 under section 7652(b)(3) of the Internal Revenue Code
15 of 1986 (26 U.S.C. 7652(b)(3)) shall be pledged for the
16 payment of those bonds or other obligations.

17 **Chapter 511—Public Housing**

Sec.

51101. Definition of public corporate authority.

51102. Public corporate authorities.

51103. Public corporate authority powers.

51104. Issuance of notes, bonds, and obligations.

51105. Assistance for slum clearance, urban redevelopment, urban renewal, and
low-rent housing projects.

51106. Ratification of previous legislation.

51107. Additional powers.

18 **§ 51101. Definition of public corporate authority**

19 In this chapter, the term “public corporate authority”
20 means a public corporate authority authorized to under-
21 take slum clearance, urban redevelopment, urban renewal,

1 and low-rent housing activities within the municipalities
2 of the Virgin Islands under section 51102 of this title.

3 **§ 51102. Public corporate authorities**

4 The government of the Virgin Islands, through the
5 Legislature of the Virgin Islands, may grant to a public
6 corporate authority existing or to be created through the
7 Legislature of the Virgin Islands, exclusive authority to
8 undertake slum clearance, urban redevelopment, urban re-
9 newal, and low-rent housing activities within the munic-
10 ipalities of the Virgin Islands.

11 **§ 51103. Public corporate authority powers**

12 (a) LEGISLATIVE PROVISIONS RELATING TO AU-
13 THORITY.—The Legislature of the Virgin Islands may pro-
14 vide for the—

15 (1) appointment of the members of a public
16 corporate authority;

17 (2) terms of office of the members of a public
18 corporate authority; and

19 (3) powers of a public corporate authority, in-
20 cluding the authority—

21 (A) to accept whatever benefits the Federal
22 Government may make available under the
23 Housing Act of 1949 (42 U.S.C. 1441 et seq.),
24 or any other law, for projects contemplated by
25 this chapter; and

1 (B) to do all things, to exercise all powers,
2 and to assume and fulfill all obligations, duties,
3 responsibilities, and requirements, including
4 those relating to planning or zoning, necessary
5 or desirable for receiving Federal assistance.

6 (b) LIMITATION OF AUTHORITY.—A public corporate
7 authority shall not be given any power of taxation, nor
8 any power to pledge the faith and credit of the people of
9 the Virgin Islands for a loan.

10 **§ 51104. Issuance of notes, bonds, and obligations**

11 (a) AUTHORITY TO BORROW MONEY AND ISSUE OB-
12 LIGATIONS.—The Legislature of the Virgin Islands may
13 authorize a public corporate authority to borrow money
14 and to issue notes, bonds, and other obligations of such
15 character and maturity, with such security, and in such
16 manner as the Legislature of the Virgin Islands may pro-
17 vide, notwithstanding any provision of chapter 505 of this
18 title or any other Federal statute to the contrary.

19 (b) OBLIGATIONS.—A note, bond, or other obligation
20 issued under subsection (a)—

21 (1) shall not be a debt of the United States, or
22 of the Virgin Islands or of any municipality or sub-
23 division of the Virgin Islands, other than the public
24 corporate authority; and

1 (2) shall not constitute “bonds and other obli-
2 gations” within the meaning of section 50901 of this
3 title, or a debt, indebtedness, or the borrowing of
4 money within the meaning of any limitation or re-
5 striction on the issuance of notes, bonds, or other
6 obligations contained in any laws of the United
7 States applicable to the Virgin Islands or to a mu-
8 nicipal corporation or other political subdivision or
9 agency of the Virgin Islands.

10 **§ 51105. Assistance for slum clearance, urban redevel-**
11 **opment, urban renewal, and low-rent**
12 **housing projects**

13 The government of the Virgin Islands, through the
14 Legislature of the Virgin Islands, may—

15 (1) assist a public corporate authority with cash
16 donations, loans, conveyances of real and personal
17 property, facilities, and services, and other items;
18 and

19 (2) authorize municipalities and other subdivi-
20 sions, in aid of slum clearance, urban redevelopment,
21 urban renewal, or low-rent housing projects—

22 (A) to make cash donations, loans, convey-
23 ances of real and personal property to a public
24 corporate authority; and

1 (B) to take other action, including the
2 making available or the furnishing of facilities
3 and services.

4 **§ 51106. Ratification of previous legislation**

5 All legislation enacted by the Legislature of the Vir-
6 gin Islands before July 18, 1950, that relates to the sub-
7 ject matter of this chapter and is not inconsistent with
8 this chapter is ratified and confirmed.

9 **§ 51107. Additional powers**

10 Powers granted in this chapter shall be in addition
11 to any powers granted by other law to or for the benefit
12 or assistance of a public corporate authority or munici-
13 pality.

14 **Chapters 513 Through 589—Reserved**

15 **Chapter 591—Miscellaneous**

Sec.

59101. Applicability of the Covenant regarding the Northern Mariana Islands.

59102. Remittance of duties, taxes, and fees to be collected in next fiscal year.

59103. Levying and collection of excise taxes.

59104. Collected customs duties.

16 **§ 59101. Applicability of the Covenant regarding the**

17 **Northern Mariana Islands**

18 (a) IN GENERAL.—The laws referred to in section
19 502(a)(1) of the Covenant to Establish a Commonwealth
20 of the Northern Mariana Islands in Political Union with
21 the United States of America as approved by section
22 60102 of this title shall be applicable to the Virgin Islands

1 on the same terms and conditions as the laws are applied
2 to the Northern Mariana Islands.

3 (b) EXCEPTION.—Subsection (a) does not apply to—

4 (1) laws administered by the Social Security
5 Administration; or

6 (2) laws relating to Medicaid that are adminis-
7 tered by the Centers for Medicare & Medicaid Serv-
8 ices.

9 **§ 59102. Remittance of duties, taxes, and fees to be**
10 **collected in next fiscal year**

11 The Secretary of the Treasury, prior to the com-
12 mencement of a fiscal year, shall remit to the government
13 of the Virgin Islands the amount of duties, taxes, and fees
14 that the Governor of the Virgin Islands, with the concur-
15 rence of the government comptroller of the Virgin Islands,
16 has estimated will be collected in or derived from the Vir-
17 gin Islands under the Revised Organic Act of the Virgin
18 Islands during the next fiscal year, except for the sums
19 paid directly upon collection into the treasury of the Virgin
20 Islands. There shall be deducted from or added to the
21 amounts remitted, as appropriate, at the beginning of the
22 fiscal year, the difference between the amount of duties,
23 taxes, and fees actually collected during the prior fiscal
24 year and the amount of the duties, taxes, and fees as esti-
25 mated and remitted at the beginning of the prior fiscal

1 year, including deductions which may be required as a re-
2 sult of the operation of sections 50902 and 50903 of this
3 title and sections 1(b) and 2 of Public Law 94–392 (90
4 Stat. 1193), as amended by section 407 of Public Law
5 96–205 (94 Stat. 89), title I (4th proviso under heading
6 “ADMINISTRATION OF TERRITORIES”, under heading
7 “TERRITORIAL AND INTERNATIONAL AFFAIRS”)
8 of Public Law 98–146 (97 Stat. 931), and section 4(b)
9 of Public Law 98–213 (97 Stat. 1460).

10 **§ 59103. Levying and collection of excise taxes**

11 Excise taxes levied by the Legislature of the Virgin
12 Islands may be levied and collected as the Legislature of
13 the Virgin Islands may direct as soon as the articles,
14 goods, merchandise, and commodities subject to the tax
15 are brought into the Virgin Islands. The officials of U.S.
16 Customs and Border Protection and the Postal Service of
17 the United States are directed to assist the appropriate
18 officials of the United States Virgin Islands in the collec-
19 tion of these taxes.

20 **§ 59104. Collected customs duties**

21 Notwithstanding any other provision of law, the pro-
22 ceeds of customs duties collected in the Virgin Islands less
23 the cost of collecting the duties shall be paid into the
24 treasury of the Virgin Islands, and shall be available for

1 expenditure as the Legislature of the Virgin Islands may
2 provide.

3 **Division E—Northern Mariana**
4 **Islands**
5 **Chapter 601—Approval of the Cov-**
6 **enant and Supplemental Provi-**
7 **sions**

Subchapter I—General Provisions

Sec.

60101. Definition of the Covenant.

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60103. Direct grant assistance.

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60116. Fees for training United States workers.

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60118. Nonimmigrant workers.

60119. Nonimmigrant investors.

60120. Transitional period workers.

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Part B—Related Provisions

60131. Reports.

60132. Residence or presence before transition date.

60133. Technical assistance.

60134. Technical assistance reports.

60135. Operations.

8 **Subchapter I—General Provisions**

9 **§ 60101. Definition of the Covenant**

10 In this division, the term “Covenant” means the Cov-
11 enant to Establish a Commonwealth of the Northern Mar-
12 iana Islands in Political Union with the United States of

1 America, the text of which is set out in section 1 of Public
2 Law 94–241 (90 Stat. 263).

3 **§ 60102. Approval of the Covenant**

4 The Covenant is approved.

5 **§ 60103. Direct grant assistance**

6 (a) CONTINUED DIRECT GRANT ASSISTANCE.—At
7 the expiration of the period of Federal financial assistance
8 that is provided to the government of the Northern Mar-
9 iana Islands pursuant to section 3 of Public Law 94–241,
10 as added by section 10 of Public Law 99–396 (100 Stat.
11 840), payments of direct grant assistance shall continue
12 at the annual level provided for in the last fiscal year of
13 the additional period of 7 fiscal years referenced in section
14 3 of Public Law 94–241, as added by section 10 of Public
15 Law 99–396 (100 Stat. 840).

16 (b) LOCAL MATCH AND OTHER REQUIREMENTS.—
17 The payments under subsection (a) shall be subject to an
18 equal local match and other requirements set forth in the
19 Agreement of the Special Representatives on Future Fed-
20 eral Financial Assistance of the Northern Mariana Is-
21 lands, executed on December 17, 1992, between the spe-
22 cial representative of the President of the United States
23 and special representatives of the Governor of the North-
24 ern Mariana Islands with any additional amounts other-
25 wise made available under this section in any fiscal year

1 and not required to meet the schedule of payments in this
2 subsection to be provided as set forth in subsection (c)
3 until Congress otherwise provides by law.

4 (c) SPECIFIC ALLOCATIONS.—The additional
5 amounts referred to in subsection (b) shall be made avail-
6 able to the Secretary of the Interior for obligation as fol-
7 lows:

8 (1) CAPITAL INFRASTRUCTURE PROJECTS.—All
9 amounts shall be available solely for capital infra-
10 structure projects in Guam, American Samoa, the
11 Virgin Islands, the Northern Mariana Islands, the
12 Republic of the Marshall Islands, the Federated
13 States of Micronesia, and the Republic of Palau.

14 (2) ALLOCATION FOR IMMIGRATION, LABOR,
15 AND LAW ENFORCEMENT.—In each fiscal year, not
16 more than \$3,000,000 may be allocated, as provided
17 in appropriations Acts, to the Secretary of the Inte-
18 rior for use by Federal agencies or the Northern
19 Mariana Islands to address immigration, labor, and
20 law enforcement issues in the Northern Mariana Is-
21 lands.

22 (3) PROJECTS IN AMERICAN SAMOA.—The spe-
23 cific projects to be funded in American Samoa shall
24 be set forth in a 5-year plan for infrastructure as-
25 sistance developed by the Secretary of the Interior in

1 consultation with the government of American
2 Samoa and updated annually and submitted to Con-
3 gress concurrent with the budget justifications for
4 the Department of the Interior.

5 (4) BUDGET RECOMMENDATIONS.—In devel-
6 oping budget recommendations for capital infra-
7 structure funding, the Secretary of the Interior—

8 (A) shall indicate the highest priority
9 projects;

10 (B) shall consider—

11 (i) the extent to which a particular
12 project is part of an overall master plan;

13 (ii) whether a project has been re-
14 viewed by the Corps of Engineers and any
15 recommendations made as a result of the
16 review;

17 (iii) the extent to which a set-aside for
18 maintenance would enhance the life of the
19 project; and

20 (iv) the degree to which a local cost-
21 share requirement would be consistent with
22 local economic and fiscal capabilities; and

23 (C) may propose an incremental set-aside,
24 not to exceed \$2,000,000 per year, to remain
25 available without fiscal year limitation, as an

1 emergency fund in the event of natural or other
2 disasters to supplement other assistance in the
3 repair, replacement, or hardening of essential
4 facilities.

5 (5) EMERGENCY FUND LIMIT.—The cumulative
6 amount set aside for an emergency fund under para-
7 graph (4)(C) shall not exceed \$10,000,000 at any
8 time.

9 (d) RESETTLEMENT OF RONGELAP ATOLL.—

10 (1) IN GENERAL.—Within the amounts allo-
11 cated for infrastructure pursuant to this section, and
12 subject to the specific allocations made in subsection
13 (c), additional contributions may be made, as set
14 forth in appropriations Acts, to assist in the resettle-
15 ment of Rongelap Atoll.

16 (2) CONTRIBUTIONS.—The total of all contribu-
17 tions from any Federal source after April 26, 1996,
18 may not exceed \$32,000,000 and shall be contingent
19 on an agreement, satisfactory to the President, that
20 the contributions are a full and final settlement of
21 all obligations of the United States to assist in the
22 resettlement of Rongelap Atoll and that the funds
23 will be expended solely on resettlement activities and
24 will be properly audited and accounted for. In order
25 to provide the contributions in a timely manner,

1 each Federal agency providing assistance or services,
2 or conducting activities, in the Republic of the Mar-
3 shall Islands, may make funds available through the
4 Secretary of the Interior to assist in the resettlement
5 of Rongelap.

6 (3) This subsection shall not be construed to
7 limit the provision of ex gratia assistance pursuant
8 to section 105(c)(2) of the Compact of Free Associa-
9 tion Act of 1985 (99 Stat. 1792), as amended by
10 section 104(c) of Public Law 99–658 (100 Stat.
11 3676), including for individuals choosing not to re-
12 settle at Rongelap, except that ex gratia assistance
13 individuals choosing not to resettle at Rongelap may
14 not be provided until the Secretary of the Interior
15 notifies Congress that the full amount of all funds
16 necessary for resettlement at Rongelap has been pro-
17 vided.

18 **Subchapter II—Immigration**

19 **Provisions**

20 **Part A—General Provisions**

21 **§ 60111. Definitions**

22 In this part:

23 (1) GOVERNOR.—The term “Governor” means
24 the Governor of the Northern Mariana Islands.

1 (2) NORTHERN MARIANA ISLANDS.—The term
2 “Northern Mariana Islands” means the Common-
3 wealth of the Northern Mariana Islands.

4 (3) NORTHERN MARIANA ISLANDS-ONLY TRANS-
5 ITION WORKER.—The term “Northern Mariana Is-
6 lands-Only Transition Worker” means an alien who
7 has been admitted into the Northern Mariana Is-
8 lands under the transition program and is eligible
9 for a permit under section 60120 of this title.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Homeland Security.

12 (5) TAX YEAR.—The term “tax year” means
13 the fiscal year immediately preceding the current fis-
14 cal year.

15 (6) UNITED STATES WORKER.—The term
16 “United States worker” means a worker who is—

17 (A) a citizen or national of the United
18 States;

19 (B) an alien who has been lawfully admit-
20 ted for permanent residence; or

21 (C) a citizen of the Republic of the Mar-
22 shall Islands, the Federated States of Micro-
23 nesia, or the Republic of Palau (known collec-
24 tively as the “Freely Associated States”) who

1 has been lawfully admitted to the United States
2 pursuant to—

3 (i) section 141 of the U.S.-FSM Com-
4 pact, the text of which is set out in section
5 201(a) of the Compact of Free Association
6 Amendments Act of 2003 (Public Law
7 108–188, 117 Stat. 2760);

8 (ii) section 141 of the U.S.-RMI Com-
9 pact, the text of which is set out in section
10 201(b) of the Compact of Free Association
11 Amendments Act of 2003 (Public Law
12 108–188, 117 Stat. 2798); or

13 (iii) section 141 of the Compact of
14 Free Association between the United
15 States and the Government of Palau, the
16 text of which is set out in Public Law 99–
17 658 (100 Stat. 3682).

18 **§ 60112. Federal immigration laws to apply**

19 The provisions of the “immigration laws” as defined
20 in section 101(a)(17) of the Immigration and Nationality
21 Act (8 U.S.C. 1101(a)(17)) shall apply to the Northern
22 Mariana Islands, except as otherwise provided in this part.

23 **§ 60113. Transition period**

24 There shall be a transition period beginning on No-
25 vember 28, 2009, and ending on December 31, 2029, dur-

1 ing which the Secretary, in consultation with the Secretary
2 of State, the Attorney General, the Secretary of Labor,
3 and the Secretary of the Interior, shall establish, admin-
4 ister, and enforce a transition program to regulate immi-
5 gration to the Northern Mariana Islands, as provided in
6 this part (referred to in this part as the “transition pro-
7 gram”).

8 **§ 60114. Regulations**

9 The transition program shall be implemented pursu-
10 ant to regulations to be promulgated, as appropriate, by
11 the head of each agency or department of the United
12 States having responsibilities under the transition pro-
13 gram.

14 **§ 60115. Interagency agreements**

15 (a) AGENCY AGREEMENTS.—The Secretary, the Sec-
16 retary of State, the Secretary of Labor, and the Secretary
17 of the Interior shall negotiate and implement agreements
18 among the agencies to identify and assign each agency’s
19 respective duties to ensure timely and proper implementa-
20 tion of the provisions of this part.

21 (b) AGREEMENT CONTENTS.—The agreements
22 should address, at a minimum, procedures to ensure
23 that—

24 (1) Northern Mariana Islands employers have
25 access to adequate labor; and

1 (2) tourists, students, retirees, and other visi-
2 tors have access to the Northern Mariana Islands
3 without unnecessary delay or impediment.

4 (c) ALLOCATION OF FUNDING.—The agreements
5 may allocate funding among the respective agencies tasked
6 with various responsibilities under this part.

7 **§ 60116. Fees for training United States workers**

8 (a) SUPPLEMENTAL FEES.—

9 (1) IN GENERAL.—In addition to fees charged
10 pursuant to section 286(m) of the Immigration and
11 Nationality Act (8 U.S.C. 1356(m)) to recover the
12 full costs of providing adjudication services, the Sec-
13 retary shall charge an annual supplemental fee of
14 \$200 per nonimmigrant worker to each prospective
15 employer who is issued a permit under section
16 60120(d) of this title during the transition program.
17 A prospective employer that is issued a permit with
18 a validity period of longer than 1 year shall pay the
19 fee for each year of requested validity at the time
20 the permit is requested.

21 (2) INFLATION ADJUSTMENT.—Beginning in
22 fiscal year 2020, the Secretary, through notice in
23 the Federal Register, may annually adjust the sup-
24 plemental fee imposed under paragraph (1) by a per-
25 centage equal to the annual change in the Consumer

1 Price Index for All Urban Consumers, published by
2 the Bureau of Labor Statistics.

3 (3) USE OF FUNDS.—Amounts collected pursu-
4 ant to paragraph (1) shall be deposited into the
5 Treasury of the Northern Mariana Islands Govern-
6 ment for the sole and exclusive purpose of funding
7 vocational education, apprenticeships, or other train-
8 ing programs for United States workers.

9 (4) FRAUD PREVENTION AND DETECTION
10 FEE.—In addition to the fees described in paragraph
11 (1), the Secretary—

12 (A) shall impose, on each prospective em-
13 ployer filing a petition under this section for 1
14 or more nonimmigrant workers, a \$50 fraud
15 prevention and detection fee; and

16 (B) shall deposit and use the fees collected
17 under subparagraph (A) for the sole purpose of
18 preventing and detecting immigration benefit
19 fraud in the Northern Mariana Islands, in ac-
20 cordance with section 286(v)(2)(B) of the Im-
21 migration and Nationality Act (8 U.S.C.
22 1356(v)(2)(B)).

23 (b) PLAN FOR EXPENDITURE OF FUNDS.—Not later
24 than 120 days before the 1st day of fiscal year 2020, and
25 annually thereafter, the Governor of the Northern Mar-

1 iana Islands Government shall submit to the Secretary of
2 Labor—

3 (1) a plan for the expenditures of amounts de-
4 posited under subsection (a)(3);

5 (2) a projection of the effectiveness of the ex-
6 penditures in the placement of United States work-
7 ers into jobs held by non-United States workers; and

8 (3) a report on the changes in employment of
9 United States workers attributable to expenditures
10 of the amounts during the previous year.

11 (c) DETERMINATION AND REPORT.—Not later than
12 120 days after receiving each expenditure plan under sub-
13 section (b)(1), the Secretary of Labor shall—

14 (1) issue a determination on the plan; and

15 (2) submit a report to Congress that describes
16 the effectiveness of the Northern Mariana Islands
17 Government in meeting the goals set forth in the
18 plan.

19 (d) PAYMENT RESTRICTION.—Payments may not be
20 made in a fiscal year from amounts deposited under sub-
21 section (a)(3) before the Secretary of Labor has approved
22 the expenditure plan submitted under subsection (b)(1)
23 for that fiscal year.

1 **§ 60117. Applicability of Federal asylum provisions**

2 Section 208 of the Immigration and Nationality Act
3 (8 U.S.C. 1158) shall not apply during the transition pe-
4 riod to individuals physically present in the Northern Mar-
5 iana Islands or arriving in the Northern Mariana Islands
6 (whether or not at a designated port of arrival), including
7 individuals brought to the Northern Mariana Islands after
8 having been interdicted in international or United States
9 waters.

10 **§ 60118. Nonimmigrant workers**

11 (a) NONIMMIGRANT WORKERS GENERALLY.—An
12 alien, if otherwise qualified, may seek admission to Guam
13 or to the Northern Mariana Islands during the transition
14 program as a nonimmigrant worker under section
15 101(a)(15)(H) of the Immigration and Nationality Act (8
16 U.S.C. 1101(a)(15)(H)) without counting against the nu-
17 merical limitations set forth in section 214(g) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1184(g)).

19 (b) H-2B WORKERS.—In the case of an alien de-
20 scribed in subsection (a) who seeks admission under sec-
21 tion 101(a)(15)(H)(ii)(b) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)), the alien, if
23 otherwise qualified, may, before December 31, 2024, be
24 admitted under that section, notwithstanding the require-
25 ment of that section that the service or labor be tem-
26 porary, for a period of up to 3 years—

1 (1) to perform service or labor on Guam or in
2 the Northern Mariana Islands pursuant to any
3 agreement entered into by a prime contractor or
4 subcontractor calling for services or labor required
5 for performance of a contract or subcontract for
6 construction, repairs, renovations, or facility services
7 that is directly connected to, supporting, associated
8 with, or adversely affected by the military realign-
9 ment occurring on Guam and in the Northern Mar-
10 iana Islands, with priority given to federally funded
11 military projects; or

12 (2) to perform service or labor as a health care
13 worker (such as a nurse, physician assistant, or al-
14 lied health professional) at a facility that jointly
15 serves members of the Armed Forces, dependents,
16 and civilians on Guam or in the Northern Mariana
17 Islands, subject to the education, training, licensing,
18 and other requirements of section 212(a)(5)(C) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1182(a)(5)(C)), as applicable, except that this para-
21 graph shall not be construed to include graduates of
22 medical schools coming to Guam or the Northern
23 Mariana Islands to perform service or labor as mem-
24 bers of the medical profession.

1 (c) LOCATIONS.—Subsection (b) does not apply with
2 respect to the performance of services of labor at a loca-
3 tion other than Guam or the Northern Mariana Islands.

4 (d) REPORT ON ASYLUM CLAIMS.—Not later than
5 December 1, 2027, the Secretary shall issue a report to
6 the Committee on Energy and Natural Resources of the
7 Senate, the Committee on the Judiciary of the Senate, the
8 Committee on Natural Resources of the House of Rep-
9 resentatives, and the Committee on the Judiciary of the
10 House of Representatives that —

11 (1) projects the number of asylum claims the
12 Secretary anticipates following the termination of
13 the transition period; and

14 (2) describes the efforts of the Secretary to—

15 (A) ensure appropriate interdiction efforts;

16 (B) provide for appropriate treatment of
17 asylum seekers; and

18 (C) prepare to accept and adjudicate asy-

19 lum claims in the Northern Mariana Islands.

20 **§ 60119. Nonimmigrant investors**

21 Notwithstanding the treaty requirements in section
22 101(a)(15)(E) of the Immigration and Nationality Act (8
23 U.S.C. 1101(a)(15)(E)), during the transition period, the
24 Secretary may, upon the application of an alien, classify
25 an alien as a Northern Mariana Islands-only non-

1 immigrant under section 101(a)(15)(E)(ii) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii))
3 if the alien—

4 (1) has been admitted to the Northern Mariana
5 Islands under long-term investor status under the
6 immigration laws of the Northern Mariana Islands
7 before November 28, 2009;

8 (2) has continuously maintained residence in
9 the Northern Mariana Islands under long-term in-
10 vestor status;

11 (3) is otherwise admissible; and

12 (4) maintains the investment that formed the
13 basis for the long-term investor status.

14 **§ 60120. Transitional period workers**

15 (a) IN GENERAL.—An alien who is seeking to enter
16 the Northern Mariana Islands as a nonimmigrant worker
17 may be admitted to perform work during the transition
18 period subject to the requirements in this section.

19 (b) CLASSIFICATION.—The alien shall be treated as
20 a nonimmigrant described in section 101(a)(15) of the Im-
21 migration and Nationality Act (8 U.S.C. 1101(a)(15)),
22 with the ability to apply, if otherwise eligible, for a change
23 of nonimmigrant classification under section 248 of the
24 Immigration and Nationality Act (8 U.S.C. 1258) or ad-

1 justment of status under this part and section 245 of the
2 Immigration and Nationality Act (8 U.S.C. 1255).

3 (c) PROTECTION FOR UNITED STATES WORKERS.—

4 (1) TEMPORARY LABOR CERTIFICATION.—

5 (A) IN GENERAL.—Beginning with peti-
6 tions filed with employment start dates in fiscal
7 year 2020, a petition to import a nonimmigrant
8 worker under this subsection may not be ap-
9 proved by the Secretary unless the petitioner
10 has applied to the Secretary of Labor for a
11 temporary labor certification confirming that—

12 (i) there are not sufficient United
13 States workers in the Northern Mariana
14 Islands who are able, willing, qualified, and
15 available at the time and place needed to
16 perform the services or labor involved in
17 the petition; and

18 (ii) employment of the nonimmigrant
19 worker will not adversely affect the wages
20 and working conditions of similarly em-
21 ployed United States workers.

22 (B) PETITION.—After receiving a tem-
23 porary labor certification under subparagraph
24 (A), a prospective employer may submit a peti-
25 tion to the Secretary for a Northern Mariana

1 Islands-Only Transitional Worker permit on be-
2 half of the nonimmigrant worker.

3 (2) PREVAILING WAGE SURVEY.—

4 (A) IN GENERAL.—In order to effectuate
5 the requirement for a temporary labor certifi-
6 cation under paragraph (1)(A), the Secretary of
7 Labor shall use, or make available to employers,
8 an occupational wage survey conducted by the
9 Governor that the Secretary of Labor has deter-
10 mined meets the statistical standards for deter-
11 mining prevailing wages in the Northern Mar-
12 iana Islands on an annual basis.

13 (B) ALTERNATIVE METHOD FOR DETER-
14 MINING THE PREVAILING WAGE.—In the ab-
15 sence of an occupational wage survey approved
16 by the Secretary of Labor under subparagraph
17 (A), the prevailing wage for an occupation in
18 the Northern Mariana Islands shall be the
19 arithmetic mean of the wages of workers simi-
20 larly employed in the territory of Guam accord-
21 ing to the wage component of the Occupational
22 Employment and Wage Statistics Survey con-
23 ducted by the Bureau of Labor Statistics.

1 (3) MINIMUM WAGE.—An employer shall pay
2 each Northern Mariana Islands-Only Transitional
3 Worker a wage that is not less than the greater of—

4 (A) the statutory minimum wage in the
5 Northern Mariana Islands;

6 (B) the Federal minimum wage; or

7 (C) the prevailing wage in the Northern
8 Mariana Islands for the occupation in which the
9 worker is employed.

10 (d) PERMITS SYSTEM.—

11 (1) IN GENERAL.—The Secretary shall estab-
12 lish, administer, and enforce a system for allocating
13 and determining terms and conditions of permits to
14 be issued to prospective employers for each non-
15 immigrant worker described in this section who
16 would not otherwise be eligible for admission under
17 the Immigration and Nationality Act (8 U.S.C. 1101
18 et seq.).

19 (2) NUMERICAL CAP.—The number of permits
20 issued under paragraph (1) may not exceed—

21 (A) 11,000 for fiscal year 2023;

22 (B) 10,000 for fiscal year 2024;

23 (C) 9,000 for fiscal year 2025;

24 (D) 8,000 for fiscal year 2026;

25 (E) 7,000 for fiscal year 2027;

- 1 (F) 6,000 for fiscal year 2028;
2 (G) 5,000 for fiscal year 2029; and
3 (H) 1,000 for the 1st quarter of fiscal year
4 2030.

5 (3) REPORTS REGARDING THE PERCENTAGE OF
6 UNITED STATES WORKERS.—

7 (A) BY GOVERNOR.—Not later than 60
8 days before the end of each calendar year, the
9 Governor shall submit a report to the Secretary
10 that identifies the ratio between United States
11 workers and other workers in the Northern
12 Mariana Islands' workforce based on income
13 tax filings with the Northern Mariana Islands
14 for the tax year.

15 (B) BY COMPTROLLER GENERAL.—Not
16 later than December 31, 2019, and biennially
17 thereafter, the Comptroller General shall submit
18 a report to the Chair and Ranking Member of
19 the Committee on Energy and Natural Re-
20 sources of the Senate, the Chair and Ranking
21 Member of the Committee on Natural Re-
22 sources of the House of Representatives, the
23 Chair and Ranking Member of the Committee
24 on Health, Education, Labor, and Pensions of
25 the Senate, and the Chair and Ranking Mem-

1 ber of the Committee on Education and Labor
2 of the House of Representatives that identifies
3 the ratio between United States workers and
4 other workers in the Northern Mariana Islands'
5 workforce during each of the previous 5 cal-
6 endar years.

7 (4) PETITION; ISSUANCE OF PERMITS.—

8 (A) SUBMISSION.—A prospective employer
9 may submit a petition for a permit under this
10 subparagraph not earlier than—

11 (i) 120 days before the date on which
12 the prospective employer needs the bene-
13 ficiary's services; or

14 (ii) if the petition is for the renewal of
15 an existing permit, not earlier than 180
16 days before the expiration of the permit.

17 (B) EMPLOYMENT VERIFICATION.—The
18 Secretary shall establish a system for each em-
19 ployer of a Northern Mariana Islands-Only
20 Transitional Worker to submit a semiannual re-
21 port to the Secretary and the Secretary of
22 Labor that provides evidence to verify the con-
23 tinuing employment and payment of a Northern
24 Mariana Islands-Only Transitional Worker
25 under the terms and conditions set forth in the

1 permit petition that the employer filed on behalf
2 of the worker.

3 (C) REVOCATION.—The Secretary, in the
4 Secretary's discretion, may revoke a permit ap-
5 proved under this paragraph for good cause, in-
6 cluding if—

7 (i) the employer fails to maintain the
8 continuous employment of the subject
9 worker, fails to pay the subject worker,
10 fails to timely file a semiannual report re-
11 quired under this paragraph, commits any
12 other violation of the terms and conditions
13 of employment, or otherwise ceases to op-
14 erate as a legitimate business (as defined
15 in subparagraph (E)(ii));

16 (ii) the beneficiary of a petition does
17 not apply for admission to the Northern
18 Mariana Islands by the date that is 10
19 days after the period of petition validity
20 begins, if the employer has requested con-
21 sular processing; or

22 (iii) the employer fails to provide a
23 former, current, or prospective Northern
24 Mariana Islands-Only Transitional Worker,
25 not later than 21 business days after re-

1 ceiving a written request from such work-
2 er, with the original (or a certified copy of
3 the original) of all petitions, notices, and
4 other written communication related to the
5 worker (other than sensitive financial or
6 proprietary information of the employer,
7 which may be redacted) that has been ex-
8 changed between the employer and the De-
9 partment of Labor, the Department of
10 Homeland Security, or any other Federal
11 agency or department.

12 (D) REALLOCATION OF REVOKED PETI-
13 TION.—Notwithstanding subparagraph (C), for
14 each permit revoked under subparagraph (C)(i)
15 in a fiscal year, an additional permit shall be
16 made available for use in the subsequent fiscal
17 year.

18 (E) LEGITIMATE BUSINESS.—

19 (i) DEFINITION OF LEGITIMATE BUSI-
20 NESS.—In this subparagraph, the term
21 “legitimate business” means a real, active,
22 and operating commercial or entrepre-
23 neurial undertaking that the Secretary, in
24 the Secretary’s sole discretion, deter-
25 mines—

1 (I) produces services or goods for
2 profit, or is a governmental, chari-
3 table, or other validly recognized non-
4 profit entity;

5 (II) meets applicable legal re-
6 quirements for doing business in the
7 Northern Mariana Islands;

8 (III) has substantially complied
9 with wage and hour laws, occupational
10 safety and health requirements, and
11 all other Federal, Northern Mariana
12 Islands, and local requirements re-
13 lated to employment during the pre-
14 ceding 5 years;

15 (IV) does not directly or indi-
16 rectly engage in, or knowingly benefit
17 from, prostitution, human trafficking,
18 or any other activity that is illegal
19 under Federal, Northern Mariana Is-
20 lands, or local law;

21 (V) is a participant in good
22 standing in the E-Verify program;

23 (VI) does not have, as an owner,
24 investor, manager, operator, or person
25 meaningfully involved with the under-

1 taking, any individual who has been
2 the owner, investor, manager, oper-
3 ator, or otherwise meaningfully in-
4 volved with an undertaking that does
5 not comply with subclause (III) or
6 (IV), or is the agent of that indi-
7 vidual; and

8 (VII) is not a successor in inter-
9 est to an undertaking that does not
10 comply with subclause (III) or (IV).

11 (ii) IN GENERAL.—A permit may not
12 be approved for a prospective employer
13 that is not a legitimate business.

14 (F) CONSTRUCTION OCCUPATIONS.—A
15 permit for Construction and Extraction Occu-
16 pations (as defined by the Department of Labor
17 as Standard Occupational Classification Group
18 47–0000) may not be issued for any worker
19 other than a worker described in subsection
20 (h)(2).

21 (e) CONDITIONS FOR ADMISSION.—

22 (1) IN GENERAL.—The Secretary shall set the
23 conditions for admission of an alien under the tran-
24 sition program, and the Secretary of State shall au-

1 thorize the issuance of a nonimmigrant visa for that
2 alien.

3 (2) VISA VALIDITY.—A nonimmigrant visa au-
4 thorized under paragraph (1) shall not be valid for
5 admission to the United States, as defined in section
6 101(a)(38) of the Immigration and Nationality Act
7 (8 U.S.C. 1101(a)(38)), except admission to the
8 Northern Mariana Islands or to Guam for the pur-
9 pose of transit only.

10 (3) AUTHORIZED EMPLOYMENT.—An alien ad-
11 mitted to the Northern Mariana Islands on the basis
12 of a nonimmigrant visa authorized under paragraph
13 (1) shall be permitted to engage in employment only
14 as authorized pursuant to the transition program.

15 (f) CHANGE OF EMPLOYER.—An alien shall be per-
16 mitted to transfer between employers in the Northern
17 Mariana Islands during the period of the alien's author-
18 ized stay in the Northern Mariana Islands, without per-
19 mission of the alien's current or prior employer, within
20 the alien's occupational category or another occupational
21 category the Secretary has found requires alien workers
22 to supplement the resident workforce. Approval of a peti-
23 tion filed by the new employer with a start date within
24 the same fiscal year as the current permit shall not count
25 against the numerical limitation for that period.

1 (g) ACCOMPANYING SPOUSE OR CHILDREN.—The
2 Secretary may authorize the admission of a spouse or
3 minor child accompanying or following to join a worker
4 admitted pursuant to this section.

5 (h) REQUIREMENT TO REMAIN OUTSIDE OF THE
6 UNITED STATES.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2)—

9 (A) a permit for a Northern Mariana Is-
10 lands-Only Transitional Worker—

11 (i) shall remain valid for a period not
12 to exceed 1 year; and

13 (ii) may be renewed for not more than
14 2 consecutive 1-year periods; and

15 (B) at the expiration of the 2d renewal pe-
16 riod, an alien may not again be eligible for a
17 Northern Mariana Islands-Only Transitional
18 Worker permit until after the alien has re-
19 mained outside of the United States for a con-
20 tinuous period of at least 30 days prior to the
21 submission of a renewal petition on the alien's
22 behalf.

23 (2) LONG-TERM WORKERS.—An alien who was
24 admitted to the Northern Mariana Islands as a
25 Northern Mariana Islands-Only Transitional Worker

1 during fiscal year 2015, and during every subse-
2 quent fiscal year beginning before July 24, 2018,
3 may receive a permit for a Northern Mariana Is-
4 lands-Only Transitional Worker that is valid for a
5 period not to exceed 3 years and may be renewed for
6 additional 3-year periods during the transition pe-
7 riod. A permit issued under this paragraph shall be
8 counted toward the numerical cap for each fiscal
9 year within the period of petition validity.

10 **§ 60121. Registration and removal of aliens**

11 (a) REGISTRATION.—

12 (1) IN GENERAL.—The Secretary may require
13 an alien present in the Northern Mariana Islands to
14 register with the Secretary in such a manner, and
15 according to such a schedule, as the Secretary may
16 require.

17 (2) RECORDS AND INFORMATION.—Notwith-
18 standing any other law, the government of the
19 Northern Mariana Islands shall provide to the Sec-
20 retary all immigration records of the Northern Mar-
21 iana Islands or other information that the Secretary
22 considers necessary to assist the implementation of
23 this subsection or provisions of the Consolidated
24 Natural Resources Act of 2008 (Public Law 110–
25 229, 122 Stat. 754).

1 (3) OTHER LAW.—Nothing in this subsection
2 shall modify or limit section 262 of the Immigration
3 and Nationality Act (8 U.S.C. 1302) or other provi-
4 sions of the Immigration and Nationality Act (8
5 U.S.C. 1101 et seq.) relating to the registration of
6 aliens.

7 (b) REMOVABLE ALIENS.—Nothing in this section
8 shall prohibit or limit the removal of an alien who is re-
9 movable under the Immigration and Nationality Act (8
10 U.S.C. 1101 et seq.).

11 (c) ORDERS OF EXCLUSION, DEPORTATION, OR RE-
12 MOVAL.—

13 (1) IN GENERAL.—The Secretary may execute
14 an administratively final order of exclusion, deporta-
15 tion, or removal issued under the authority described
16 in paragraph (2) on a subject of the order found in
17 the Northern Mariana Islands on or after November
18 28, 2009, regardless of whether the alien has pre-
19 viously been removed from the United States or the
20 Northern Mariana Islands pursuant to the order.

21 (2) DESCRIPTION OF AUTHORITY.—The author-
22 ity referred to in paragraph (1) is authority under—

23 (A) the immigration laws of the United
24 States; or

1 (B) the immigration laws of the Northern
2 Mariana Islands in effect before November 28,
3 2009.

4 (d) SPECIAL PROVISION REGARDING LONG-TERM
5 RESIDENTS OF THE NORTHERN MARIANA ISLANDS.—

6 (1) NORTHERN MARIANA ISLANDS RESIDENT
7 STATUS.—An alien described in paragraph (2) may,
8 on the application of the alien, be admitted in resi-
9 dent status to the Northern Mariana Islands subject
10 to the following rules:

11 (A) The alien shall be treated as an alien
12 lawfully admitted to the Northern Mariana Is-
13 lands only, including permitting entry to and
14 exit from the Northern Mariana Islands, until
15 the earlier of the date on which—

16 (i) the alien ceases to reside in the
17 Northern Mariana Islands; or

18 (ii) the alien's status is adjusted
19 under section 245 of the Immigration and
20 Nationality Act (8 U.S.C. 1255) to that of
21 an alien lawfully admitted for permanent
22 residence in accordance with all applicable
23 eligibility requirements.

24 (B) The Secretary—

1 (i) shall establish a process for the
2 alien to apply for Northern Mariana Is-
3 lands resident status during the 180-day
4 period beginning on a date determined by
5 the Secretary but not later than the 1st
6 day of the 6th month after June 25, 2019;
7 and

8 (ii) may authorize deferred action or
9 parole, as appropriate, with work author-
10 ization, for the alien beginning on June 25,
11 2019, and continuing through the end of
12 the 180-day period or the date of adjudica-
13 tion of the alien's application for Northern
14 Mariana Islands resident status, whichever
15 is later.

16 (C) Nothing in this paragraph may be con-
17 strued to provide any alien granted status
18 under this paragraph with public assistance to
19 which the alien is not otherwise entitled.

20 (D) An alien granted status under this sec-
21 tion—

22 (i) is subject to all grounds of deport-
23 ability under section 237 of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1227);

1 (ii) is subject to all grounds of inad-
2 missibility under section 212 of the Immi-
3 gration and Nationality Act (8 U.S.C.
4 1182) if seeking admission to the United
5 States at a port of entry in the Northern
6 Mariana Islands;

7 (iii) is inadmissible to the United
8 States at any port of entry outside the
9 Northern Mariana Islands, except that the
10 Secretary may authorize admission of the
11 alien at a port of entry in Guam for the
12 purpose of direct transit to the Northern
13 Mariana Islands, which admission shall be
14 considered an admission to the Northern
15 Mariana Islands;

16 (iv) automatically shall lose the status
17 if the alien travels from the Northern Mar-
18 iana Islands to any other place in the
19 United States, except that—

20 (I) the Secretary may establish
21 procedures for the advance approval
22 on a case-by-case basis of travel for a
23 temporary and legitimate purpose;
24 and

1 (II) the Secretary may authorize
2 the direct transit of aliens with North-
3 ern Mariana Islands resident status
4 through Guam to a foreign place;

5 (v) shall be authorized to work in the
6 Northern Mariana Islands incident to sta-
7 tus; and

8 (vi) shall be issued appropriate travel
9 documentation and evidence of work au-
10 thorization by the Secretary.

11 (2) ALIENS DESCRIBED.—An alien is described
12 in this paragraph if the alien—

13 (A) was lawfully present on June 25,
14 2019, or on December 31, 2018, in the North-
15 ern Mariana Islands under the immigration
16 laws of the United States, including pursuant
17 to a grant of parole under section 212(d)(5) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1182(d)(5)) or deferred action;

20 (B) is admissible as an immigrant to the
21 United States under the Immigration and Na-
22 tionality Act (8 U.S.C. 1101 et seq.), except
23 that no immigrant visa is required;

1 (C) resided continuously and lawfully in
2 the Northern Mariana Islands from November
3 28, 2009, through June 25, 2019;

4 (D) is not a citizen of the Republic of the
5 Marshall Islands, the Federated States of Mi-
6 cronesia, or the Republic of Palau; and

7 (E) in addition—

8 (i) was born in the Northern Mariana
9 Islands between January 1, 1974, and
10 January 9, 1978;

11 (ii) was, on November 27, 2009, a
12 permanent resident of the Northern Mar-
13 iana Islands (as defined in section 4303 of
14 title 3 of the Northern Mariana Islands
15 Commonwealth Code, in effect on May 8,
16 2008);

17 (iii) is the spouse or child (as defined
18 in section 101(b)(1) of the Immigration
19 and Nationality Act (8 U.S.C.
20 1101(b)(1))) of an alien described in
21 clause (i) or (ii);

22 (iv) was, on November 27, 2011, a
23 spouse, child, or parent of a United States
24 citizen, notwithstanding the age of the
25 United States citizen, and continues to

1 have that family relationship with the cit-
2 izen on the date of the application de-
3 scribed in paragraph (1); or

4 (v) had a grant of parole under sec-
5 tion 212(d)(5) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1182(d)(5)) on De-
7 cember 31, 2018, under the former parole
8 program for certain in-home caregivers ad-
9 ministered by United States Citizenship
10 and Immigration Services.

11 (3) AUTHORITY OF ATTORNEY GENERAL.—Be-
12 ginning on the 1st day of the 180-day period estab-
13 lished by the Secretary under paragraph (1)(B)(i),
14 the Attorney General may accept and adjudicate an
15 application for Northern Mariana Islands resident
16 status under this subsection by an alien who is in
17 removal proceedings before the Attorney General if
18 the alien—

19 (A) makes an initial application to the At-
20 torney General within the 180-day period; or

21 (B) applied to the Secretary during the
22 180-day period and before being placed in re-
23 moval proceedings, and the Secretary denied
24 the application.

1 (4) JUDICIAL REVIEW.—Notwithstanding any
2 other law, no court shall have jurisdiction to review
3 any decision of the Secretary or the Attorney Gen-
4 eral on an application under this subsection or any
5 other action or determination of the Secretary or the
6 Attorney General to implement, administer, or en-
7 force this subsection.

8 (5) PROCEDURE.—The requirements of chapter
9 5 of title 5, or any other law relating to rulemaking,
10 information collection or publication in the Federal
11 Register shall not apply to any action to implement,
12 administer, or enforce this subsection.

13 **§ 60122. Effect on local law**

14 The provisions of this part and of the immigration
15 laws, as defined in section 101(a)(17) of the Immigration
16 and Nationality Act (8 U.S.C. 1101(a)(17)), shall, effec-
17 tive November 28, 2009, supersede and replace the laws,
18 provisions, or programs of the Northern Mariana Islands
19 relating to the admission and removal of aliens from the
20 Northern Mariana Islands.

21 **§ 60123. Accrual of time**

22 Time that an alien is present in the Northern Mar-
23 iana Islands in violation of the immigration laws of the
24 Northern Mariana Islands shall not be counted for pur-
25 poses of inadmissibility under section 212(a)(9)(B) of the

1 Immigration and Nationality Act (8 U.S.C.
2 1182(a)(9)(B)).

3 **Part B—Related Provisions**

4 **§ 60131. Reports**

5 (a) ANNUAL REPORT BY PRESIDENT.—Not later
6 than March 1 each year, the President shall submit to the
7 Committee on Energy and Natural Resources and the
8 Committee on the Judiciary of the Senate and the Com-
9 mittee on Natural Resources and the Committee on the
10 Judiciary of the House of Representatives a report that
11 evaluates the overall effect of the transition program es-
12 tablished under part A of this subchapter and the Immi-
13 gration and Nationality Act (8 U.S.C. 1101 et seq.) on
14 the Northern Mariana Islands. In addition to other topics
15 required to be included under part A of this subchapter
16 or subtitle A (including amendments made by subtitle A)
17 of title VII of the Consolidated Natural Resources Act of
18 2008 (Public Law 110–229, 122 Stat. 853), each report
19 submitted under this subsection shall include—

20 (1) a description of the efforts that have been
21 undertaken during the period covered by the report
22 to diversify and strengthen the local economy of the
23 Northern Mariana Islands, including efforts to pro-
24 mote the Northern Mariana Islands as a tourist des-
25 tination; and

1 (2) an estimate for the numbers of non-
2 immigrant workers described under section
3 101(a)(15)(H) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid
5 adverse economic effects in Guam and the Northern
6 Marina Islands.

7 (b) REPORTS BY THE LOCAL GOVERNMENT.—The
8 Governor of the Northern Marina Islands may submit an
9 annual report to the President on the implementation of
10 part A of this subchapter and subtitle A (including amend-
11 ments made by subtitle A) of title VII of the Consolidated
12 Natural Resources Act of 2008 (Public Law 110–229, 122
13 Stat. 853) with recommendations for future changes. The
14 President shall forward the Governor’s report to Congress
15 with any administration comment after an appropriate pe-
16 riod of time for internal review. This subsection shall not
17 be construed to require the President to provide any legis-
18 lative recommendation to Congress.

19 **§ 60132. Residence or presence before transition date**

20 The provisions of part A of this subchapter and of
21 subtitle A (including amendments made by subtitle A) of
22 title VII of the Consolidated Natural Resources Act of
23 2008 (Public Law 110–229, 122 Stat. 853) shall not be
24 construed to make residence or presence in the Northern

1 Mariana Islands before November 28, 2009, residence or
2 presence in the United States, except that—

3 (1) for the purpose of determining whether an
4 alien lawfully admitted for permanent residence (as
5 defined in section 101(a)(20) of the Immigration
6 and Nationality Act (8 U.S.C. 1101(a)(20)) has
7 abandoned or lost such status by reason of absence
8 from the United States, the alien's presence in the
9 Northern Mariana Islands shall be considered to be
10 presence in the United States; and

11 (2) for the purpose of determining whether an
12 alien whose application for status under subpara-
13 graph (T) or (U) of section 101(a)(15) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1101(a)(15))
15 was granted is subsequently eligible for adjustment
16 under subsection (l) or (m) of section 245 of that
17 Act (8 U.S.C. 1255), the alien's physical presence in
18 the Northern Mariana Islands subsequent to the
19 grant of the application shall be considered as equiv-
20 alent to presence in the United States pursuant to
21 a nonimmigrant admission in such status.

22 **§ 60133. Technical assistance**

23 (a) IN GENERAL.—The Secretary of the Interior, in
24 consultation with the Governor of the Northern Mariana
25 Islands, the Secretary of Labor, and the Secretary of

1 Commerce, and as provided in the interagency agreements
2 required to be negotiated under section 60115 of this title,
3 shall provide—

4 (1) technical assistance and other support to
5 the Northern Mariana Islands to identify opportuni-
6 ties for, and encourage diversification and growth of,
7 the economy of the Northern Mariana Islands;

8 (2) technical assistance, including assistance in
9 recruiting, training, and hiring of workers, to assist
10 employers in the Northern Mariana Islands in secur-
11 ing employees 1st from among United States citi-
12 zens and nationals resident in the Northern Mariana
13 Islands and if an adequate number of those workers
14 are not available, from among legal permanent resi-
15 dents, including lawfully admissible citizens of the
16 Freely Associated States; and

17 (3) technical assistance, including assistance to
18 identify types of jobs needed, identify skills needed
19 to fulfill those jobs, and assistance to Northern Mar-
20 iana Islands educational entities to develop curricula
21 for those job skills to include training teachers and
22 students for those skills.

23 (b) CONSULTATION AND OTHER ASSISTANCE.—In
24 providing technical assistance under subsection (a), the

1 Secretary of the Interior, the Secretary of Labor, and the
2 Secretary of Commerce shall—

3 (1) consult with the government of the North-
4 ern Mariana Islands, local businesses, regional
5 banks, educational institutions, and other experts in
6 the economy of the Northern Mariana Islands;

7 (2) assist in the development and implementa-
8 tion of a process—

9 (A) to identify opportunities for and en-
10 courage diversification and growth of the econ-
11 omy of the Northern Mariana Islands; and

12 (B) to identify and encourage opportunities
13 to meet the labor needs of the Northern Mar-
14 iana Islands.

15 (c) COST SHARING.—For the provision of technical
16 assistance or support under this section (other than that
17 required to pay the salaries and expenses of Federal per-
18 sonnel), the Secretary of the Interior shall require a non-
19 Federal matching contribution of 10 percent.

20 **§ 60134. Technical assistance reports**

21 Not later than October 1, 2019, and biennially there-
22 after, the Secretary of the Interior shall submit a report
23 to Congress that describes the fulfillment of the Depart-
24 ment of the Interior's responsibilities to the Northern
25 Mariana Islands—

1 (1) to identify opportunities for economic
2 growth and diversification;

3 (2) to provide assistance in recruiting, training,
4 and hiring United States workers; and

5 (3) to provide such other technical assistance
6 and consultation as outlined in section 60133 of this
7 title.

8 **§ 60135. Operations**

9 (a) OFFICES.—The Attorney General, Secretary of
10 Homeland Security, and Secretary of Labor may establish
11 and maintain offices and other operations in the Northern
12 Mariana Islands for the purpose of carrying out duties
13 under—

14 (1) the Immigration and Nationality Act (8
15 U.S.C. 1101 et seq.); and

16 (2) the transition program established under
17 part A of this subchapter.

18 (b) PERSONNEL.—To the maximum extent prac-
19 ticable and consistent with the satisfactory performance
20 of assigned duties under applicable law, the Attorney Gen-
21 eral, Secretary of Homeland Security, and Secretary of
22 Labor shall recruit and hire personnel from among quali-
23 fied United States citizens and national applicants resid-
24 ing in the Northern Mariana Islands to serve as staff in
25 carrying out operations described in subsection (a).

1 **Chapter 603—Judicial Matters**

Sec.

60301. District Court for the Northern Mariana Islands.

60302. Appointment of judge, United States attorney, and marshal.

60303. Application of Federal law and procedure.

60304. District court jurisdiction.

60305. Relations between courts of the United States and courts of the Northern Mariana Islands.

60306. Authorization of appropriations.

2 **§ 60301. District Court for the Northern Mariana Is-** 3 **lands**

4 (a) ESTABLISHMENT.—There is established for and
5 within the Northern Mariana Islands a court of record to
6 be known as the District Court for the Northern Mariana
7 Islands.

8 (b) JUDICIAL CIRCUIT.—The Northern Mariana Is-
9 lands shall constitute a part of the same judicial circuit
10 of the United States as Guam.

11 (c) TERMS OF COURT.—Terms of court shall be held
12 on Saipan and at other places and at times that the court
13 may designate by rule or order.

14 **§ 60302. Appointment of judge, United States attor-** 15 **ney, and marshal**

16 (a) DISTRICT COURT JUDGE APPOINTMENT.—The
17 President shall, by and with the advice and consent of the
18 Senate, appoint a judge for the District Court for the
19 Northern Mariana Islands who shall hold office for the
20 term of 10 years and until a successor is chosen and quali-
21 fied, unless sooner removed by the President for cause.

1 The judge shall receive a salary payable by the United
2 States which shall be at the rate prescribed for judges of
3 the United States district courts.

4 (b) TEMPORARY ASSIGNMENT OF JUDGES TO DIS-
5 TRICT COURT OF THE NORTHERN MARIANA ISLANDS.—

6 (1) IN GENERAL.—As provided in paragraphs
7 (2) and (3), a judge may be assigned to serve tem-
8 porarily as a judge in the District Court for the
9 Northern Mariana Islands whenever such an assign-
10 ment is necessary for the proper dispatch of the
11 business of the court.

12 (2) ASSIGNMENT BY CHIEF JUDGE OF NINTH
13 CIRCUIT.—The Chief Judge of the Ninth Judicial
14 Circuit of the United States may assign, under para-
15 graph (1), any of the following:

16 (A) A judge of a court of record of the
17 Northern Mariana Islands who is a licensed at-
18 torney in good standing.

19 (B) A circuit or district judge of the Ninth
20 Circuit, including a judge of the District Court
21 of Guam who is appointed by the President.

22 (C) A recalled senior judge of the District
23 Court of Guam or of the District Court of the
24 Northern Mariana Islands.

1 (3) ASSIGNMENT BY CHIEF JUSTICE OF THE
2 UNITED STATES.—The Chief Justice of the United
3 States may assign, under paragraph (1), any other
4 United States circuit or district judge with the con-
5 sent of—

6 (A) the judge being assigned; and

7 (B) the chief judge of the circuit of the
8 judge being assigned.

9 (4) POWERS.—Judges appointed under this
10 subsection shall have the powers of a judge of the
11 District Court for the Northern Mariana Islands, in-
12 cluding the power to appoint a person to a statutory
13 position, or to designate a depository of funds or a
14 newspaper for publication of legal notices.

15 (c) UNITED STATES ATTORNEY AND UNITED
16 STATES MARSHAL.—

17 (1) UNITED STATES ATTORNEY.—The Presi-
18 dent shall appoint, by and with the advice and con-
19 sent of the Senate, a United States attorney for the
20 Northern Mariana Islands. Chapter 35 of title 28
21 shall apply to the office of the United States attor-
22 ney for the Northern Mariana Islands.

23 (2) UNITED STATES MARSHAL.—The President
24 shall appoint, by and with the advice and consent of
25 the Senate, a United States marshal for the North-

1 ern Mariana Islands. Chapter 37 of title 28 shall
2 apply to the office of the United States marshal for
3 the Northern Mariana Islands.

4 (d) APPOINTEE CURRENTLY SERVING.—If the Presi-
5 dent appoints a judge for the District Court for the North-
6 ern Mariana Islands or a United States attorney or a
7 United States marshal for the Northern Mariana Islands
8 who at that time is serving in the same capacity in another
9 district, the appointment shall, without prejudice to a sub-
10 sequent appointment, be for the unexpired term of the
11 judge or officer.

12 **§ 60303. Application of Federal law and procedure**

13 (a) IN GENERAL.—As appropriate, and except as oth-
14 erwise provided in articles IV and V of the Covenant, the
15 provisions specified in subsection (c) shall apply to—

16 (1) the District Court for the Northern Mar-
17 iana Islands; and

18 (2) appeals from the District Court for the
19 Northern Mariana Islands.

20 (b) MEANING OF CERTAIN TERMS.—If applicable, for
21 cases arising under the laws of the Northern Mariana Is-
22 lands, the terms, “Attorney for the government” and
23 “United States attorney”, as used in the Federal Rules
24 of Criminal Procedure, shall mean the Attorney General
25 of the Northern Marina Islands or another individual au-

1 thORIZED under the laws of the Northern Mariana Islands
2 to act in those cases.

3 (c) SPECIFIED PROVISIONS.—The provisions speci-
4 fied in this subsection are the following:

5 (1) Part II of title 18.

6 (2) Title 28.

7 (3) Rules of practice and procedure promul-
8 gated and made effective by Congress or the Su-
9 preme Court of the United States pursuant to titles
10 11, 18, and 28.

11 **§ 60304. District court jurisdiction**

12 (a) IN GENERAL.—The District Court for the North-
13 ern Mariana Islands shall have the jurisdiction of a dis-
14 trict court of the United States, including the diversity
15 jurisdiction provided for in section 1332 of title 28, and
16 that of a bankruptcy court of the United States.

17 (b) ORIGINAL JURISDICTION.—The district court
18 shall have original jurisdiction in all causes in the North-
19 ern Mariana Islands not described in subsection (a) if ju-
20 risdiction is not vested by the Constitution or laws of the
21 Northern Mariana Islands in a court of the Northern Mar-
22 iana Islands. In causes brought in the district court solely
23 on the basis of this subsection, the district court shall be
24 considered a court of the Northern Mariana Islands for

1 the purposes of determining the requirements of indict-
2 ment by grand jury or trial by jury.

3 **§ 60305. Relations between courts of the United**
4 **States and courts of the Northern Mar-**
5 **iana Islands**

6 (a) IN GENERAL.—The relations between the courts
7 established by the Constitution or laws of the United
8 States and the courts of the Northern Mariana Islands
9 with respect to appeals, certiorari, removal of causes, the
10 issuance of writs of habeas corpus, and other matters or
11 proceedings shall be governed by the laws of the United
12 States pertaining to the relations between the courts of
13 the United States including the Supreme Court of the
14 United States, and the courts of the several States in such
15 matters and proceedings, except as otherwise provided in
16 article IV of the Covenant.

17 (b) PROVISIONS APPLICABLE TO GUAM.—Those por-
18 tions of title 28 that apply to Guam or the District Court
19 of Guam shall be applicable to the Northern Mariana Is-
20 lands or the District Court for the Northern Mariana Is-
21 lands, respectively, except as otherwise provided in article
22 IV of the Covenant.

23 (c) DISTRICT COURT.—The district court established
24 by this chapter shall be a district court as that term is
25 used in section 3006A of title 18.

1 **§ 60306. Authorization of appropriations**

2 There is authorized to be appropriated such sums as
3 may be necessary to carry out the purposes of this chap-
4 ter.

5 **Chapters 605 Through 689—Reserved**

6 **Chapter 691—Miscellaneous**

Sec.

69101. Reports.

69102. Functions, powers, and duties vested.

69103. Funds and services.

69104. Administration and enforcement of revenue and taxation provisions of
the Covenant.

69105. Tax proceeds collected pursuant to the Covenant.

69106. Tax rebates.

69107. Political union between Guam and the Northern Mariana Islands.

69108. Plans for development, utilization, and conservation of water and related
land resources.

69109. Real property owned by the Northern Mariana Islands in the United
States capital.

7 **§ 69101. Reports**

8 (a) **COMPREHENSIVE ANNUAL FINANCIAL RE-**
9 **PORT.**—The chief executives of the governments of the
10 Northern Mariana Islands, the Marshall Islands, the Fed-
11 erated States of Micronesia, and Palau shall prepare, pub-
12 lish, and submit to Congress and the Secretary of the Inte-
13 rior a comprehensive annual financial report in conform-
14 ance with the standards of the National Council on Gov-
15 ernmental Accounting not later than 120 days after the
16 close of the fiscal year.

17 (b) **PLAN CONTENTS.**—The comprehensive annual fi-
18 nancial report shall include statistical data as set forth
19 in the standards of the National Council on Governmental

1 Accounting relating to the physical, economic, social, and
2 political characteristics of the government, and any other
3 information required by Congress.

4 (c) OTHER REPORTS.—The chief executives shall also
5 make other reports at times as may be required by Con-
6 gress or under applicable Federal laws.

7 (d) REPORTING REQUIREMENT NOT SUBJECT TO
8 TERMINATION.—This section is not subject to termination
9 under section 502(a)(3) of the Covenant.

10 **§ 69102. Functions, powers, and duties vested**

11 (a) AUDITING AND REPORTING AUTHORITY.—The
12 following functions, powers, and duties are vested in the
13 Inspector General, Department of the Interior, for the
14 purpose of establishing an organization that will maintain
15 a satisfactory level of independent audit oversight of the
16 governments of the Northern Mariana Islands, the Mar-
17 shall Islands, the Federated States of Micronesia, and
18 Palau:

19 (1) The authority to audit accounts pertaining
20 to the revenue and receipts of the governments of
21 the Northern Mariana Islands, the Marshall Islands,
22 the Federated States of Micronesia, and Palau of
23 funds derived from bond issues.

24 (2) The authority to audit expenditures of
25 funds and property pertaining to the governments of

1 the Northern Mariana Islands, the Marshall Islands,
2 the Federated States of Micronesia, and Palau, in-
3 cluding those pertaining to trust funds held by those
4 governments.

5 (3) The authority to report to the Secretary of
6 the Interior, the chief executives of the governments
7 of the Northern Mariana Islands, the Marshall Is-
8 lands, the Federated States of Micronesia, and
9 Palau all failures to collect amounts due the govern-
10 ments, and expenditures of funds or uses of property
11 that are irregular or not pursuant to law.

12 (b) SCOPE OF AUTHORITY.—The authority granted
13 in this section shall extend to all activities of the govern-
14 ments of the Northern Mariana Islands, Marshall Islands,
15 the Federated States of Micronesia, and Palau, and shall
16 be in addition to the authority conferred upon the Inspec-
17 tor General by chapter 4 of title 5.

18 (c) NON-TERMINATION OF SECTION.—This section is
19 not subject to termination under section 502(a)(3) of the
20 Covenant.

21 **§ 69103. Funds and services**

22 (a) USE OF FEDERAL SERVICES AND FACILITIES.—
23 In carrying out the purposes of the provisions specified
24 in subsection (c), the government of the Northern Mariana
25 Islands may utilize, to the extent practicable, the available

1 services and facilities of agencies and instrumentalities of
2 the Federal Government on a reimbursable basis. The
3 amounts may be credited to the appropriation or fund
4 which provided the services and facilities. Agencies and in-
5 strumentalities of the Federal Government may, when
6 practicable, make available to the government of the
7 Northern Mariana Islands, upon request of the Secretary
8 of the Interior, services and facilities as the agencies and
9 instrumentalities are equipped to render or furnish, and
10 the agencies and instrumentalities may do so without re-
11 imbursement if otherwise authorized by law.

12 (b) EXPENDITURE OF REMAINING FUNDS.—

13 (1) GRANT-IN-AID.—Funds made available to
14 the Northern Mariana Islands under grant-in-aid
15 programs by section 502 of the Covenant, or pursu-
16 ant to any Federal statute enacted after March 24,
17 1976, are authorized to remain available until ex-
18 pended.

19 (2) CARRYOVER OF AUTHORIZATION FOR AP-
20 PROPRIATION.—An amount that is authorized to be
21 appropriated by the Covenant or by any Federal
22 statute enacted after March 24, 1976, that author-
23 izes appropriations for the Northern Mariana Is-
24 lands, but that is not appropriated for a fiscal year,

1 is authorized to be available for appropriation in
2 succeeding fiscal years.

3 (c) SPECIFIED PROVISIONS.—The provisions speci-
4 fied in this subsection are the following:

5 (1) Public Law 95–348 (92 Stat. 487).

6 (2) Public Law 95–134 (91 Stat. 1159).

7 (3) Public Law 94–241 (90 Stat. 263).

8 **§ 69104. Administration and enforcement of revenue**
9 **and taxation provisions of the Covenant**

10 (a) IN GENERAL.—As provided in subsection (b), the
11 Secretary of the Treasury shall, without reimbursement
12 from or other cost to the government of the Northern Mar-
13 iana Islands, administer and enforce the provisions of sec-
14 tion 601, 603, or 604 of the Covenant and in order to
15 administer and enforce the collection of any payroll tax
16 or other tax measured by income which may be in force
17 in the Northern Mariana Islands pursuant to section 602
18 of the Covenant.

19 (b) REQUEST BY NORTHERN MARIANA ISLANDS.—
20 The Secretary of the Treasury shall carry out the provi-
21 sions of subsection (a)—

22 (1) upon the request of the Governor of the
23 Northern Mariana Islands acting pursuant to legis-
24 lation enacted in accordance with sections 5 and 7

1 of article II of the Constitution of the Northern
2 Mariana Islands; or

3 (2) upon receipt of a resolution adopted by both
4 houses of the legislature of the Northern Mariana
5 Islands accompanied by a letter of request from ei-
6 ther the Governor or the Lieutenant Governor of the
7 Northern Mariana Islands.

8 (c) DURATION OF AUTHORITY.—The authority to ad-
9 minister and enforce the provisions in subsection (a) shall
10 continue until the Governor of the Northern Mariana Is-
11 lands, acting pursuant to legislation enacted in accordance
12 with sections 5 and 7 of article II of the Constitution of
13 the Northern Mariana Islands, requests the Secretary of
14 the Treasury to discontinue the administration and en-
15 forcement of the taxes. The administration and enforce-
16 ment of taxes by the government of the Northern Mariana
17 Islands shall begin on January 1 of the year following the
18 year in which such Northern Mariana Islands law is en-
19 acted.

20 (d) EMPLOYMENT.—For purposes of carrying out
21 any administration and enforcement required by this sec-
22 tion, the Secretary of the Treasury or the Secretary's dele-
23 gate, at no cost to the government of the Northern Mar-
24 iana Islands, may—

1 (1) employ citizens of the Northern Mariana Is-
2 lands (as defined by Article III of the Covenant); or

3 (2) use the services of employees of the govern-
4 ment of the Northern Mariana Islands, upon agree-
5 ment to pay such government for the use of such
6 services.

7 (e) ASSUMPTION OF DUTIES.—The Secretary of the
8 Treasury, or the Secretary’s delegate, shall make every ef-
9 fort to assure that citizens of the Northern Mariana Is-
10 lands (as defined by Article III of the Covenant) are
11 trained to ultimately assume the administration and en-
12 forcement duties required of the Secretary of the Treasury
13 or the Secretary’s delegate under this section.

14 (f) TAXPAYER INFORMATION SERVICE.—As part of
15 the administration of taxes required by this section, the
16 Secretary of the Treasury or the Secretary’s delegate shall
17 establish, at no cost to the government of the Northern
18 Mariana Islands, a taxpayer information service to provide
19 information and assistance to citizens of the Northern
20 Mariana Islands (as defined by Article III of the Cov-
21 enant) as may be necessary for the filing of returns and
22 the payment of taxes.

1 **§ 69105. Tax proceeds collected pursuant to the Cov-**
2 **enant**

3 The Secretary of the Treasury shall take such steps
4 as are necessary to ensure that the proceeds of taxes col-
5 lected under the provisions of sections 601, 602, 603, and
6 604 of the Covenant are deposited directly upon collection
7 into the treasury of the Northern Mariana Islands.

8 **§ 69106. Tax rebates**

9 (a) IN GENERAL.—As used in section 602 of the Cov-
10 enant, the term “rebate of any taxes”—

11 (1) shall apply only to the extent taxes have ac-
12 tually been paid pursuant to section 601 of the Cov-
13 enant;

14 (2) shall not exceed the amount of tax actually
15 paid for any tax year; and

16 (3) may only be paid following the close of the
17 tax year involved.

18 (b) PUBLIC RECORDS.—Notwithstanding any other
19 provision of law, the Northern Mariana Islands shall main-
20 tain, as a matter of public record, the name and address
21 of each person receiving a rebate under section 602 of the
22 Covenant, together with the amount of the rebate, and the
23 year for which the rebate was made.

1 **§ 69107. Political union between Guam and the**
2 **Northern Mariana Islands**

3 (a) FEDERAL GOVERNMENT AND AGENCY RE-
4 SPONSE.—In the event that a political union is effected
5 between Guam and the Northern Mariana Islands, the
6 Federal Government and its agencies shall assure that—

7 (1) there will be no diminution of rights or enti-
8 tlements otherwise eligible to Guam and the North-
9 ern Mariana Islands in effect on the effective date
10 of the union;

11 (2) there will be no adverse effect on funds au-
12 thorized or appropriated for Guam or the Northern
13 Mariana Islands, as of the effective date of the
14 union; and

15 (3) no action is taken that would discourage the
16 unification.

17 (b) DISCREPANCY BETWEEN POLICIES OR PRO-
18 GRAMS.—If a discrepancy exists or arises between the ben-
19 efits available for Guam or the Northern Mariana Islands
20 under a policy or program authorized by law (including
21 formulas for matching grants-in-aid or comparable pro-
22 grams or benefits), the most favorable terms available to
23 either Guam or the Northern Mariana Islands shall be
24 deemed applicable to the unified area after the effective
25 date of unification.

1 **§ 69108. Plans for development, utilization, and con-**
2 **servation of water and related land re-**
3 **sources**

4 (a) STUDY REQUIREMENT.—The Secretary of the
5 Army, acting through the Chief of Engineers and in co-
6 operation with the Northern Mariana Islands, shall study
7 and draft plans for development, utilization, and conserva-
8 tion of water and related land resources of the Northern
9 Mariana Islands. To carry out the purposes of this section
10 there are authorized to be appropriated such sums as may
11 be necessary.

12 (b) STUDY CONSIDERATIONS.—The studies shall in-
13 clude appropriate consideration of—

14 (1) the needs for flood protection;

15 (2) wise use of flood plain lands;

16 (3) navigation facilities;

17 (4) hydroelectric power generation;

18 (5) regional water supply and waste water man-
19 agement facilities systems;

20 (6) general recreational facilities;

21 (7) enhancement and control of water quality;

22 (8) enhancement and conservation of fish and
23 wildlife; and

24 (9) other measures for environment improve-
25 ment and economic and human resources develop-
26 ment.

1 (c) COMPATIBILITY WITH OTHER PLANS.—The
2 studies shall also be compatible with comprehensive devel-
3 opment plans formulated by local planning agencies and
4 other interested Federal agencies.

5 **§ 69109. Real property owned by the Northern Mar-**
6 **iana Islands in the United States capital**

7 Real property owned by the Northern Mariana Is-
8 lands in the capital of the United States and used by the
9 Resident Representative of the Northern Mariana Islands
10 in the discharge of representative duties under the Cov-
11 enant shall be exempt from assessment and taxation.

12 **Subtitle III—Financial Oversight**
13 **and Management of Territories**
14 **Division A—In General**
15 **Chapter 801—General Provisions**

Sec.
80101. Definitions.
80102. Severability.
80103. Supremacy.
80104. Compliance with Federal laws.

16 **§ 80101. Definitions**

17 In this division:

18 (1) AGREED ACCOUNTING STANDARDS.—The
19 term “agreed accounting standards” means modified
20 accrual accounting standards or, for any period dur-
21 ing which the Oversight Board determines in its sole
22 discretion that a territorial government is not rea-
23 sonably capable of comprehensive reporting that

1 complies with modified accrual accounting stand-
2 ards, such other accounting standards as proposed
3 by the Oversight Board.

4 (2) BOND.—The term “Bond” means a bond,
5 loan, letter of credit, other borrowing title, obligation
6 of insurance, or other financial indebtedness for bor-
7 rowed money, including rights, entitlements, or obli-
8 gations whether those rights, entitlements, or obliga-
9 tions arise from contract, statute, or any other
10 source of law, in any case, related to such a bond,
11 loan, letter of credit, other borrowing title, obligation
12 of insurance, or other financial indebtedness in phys-
13 ical or dematerialized form of which the issuer, obli-
14 gor, or guarantor is the territorial government. a
15 bond, loan, letter of credit, other borrowing title, ob-
16 ligation of insurance, or other financial indebtedness
17 in physical or dematerialized form of which the
18 issuer, obligor, or guarantor is the territorial govern-
19 ment.

20 (3) BOND CLAIM.—The term “Bond Claim”
21 means, as it relates to a Bond—

22 (A) a right to payment, whether or not
23 such right is reduced to judgment, liquidated,
24 unliquidated, fixed, contingent, matured,

1 unmatured, disputed, undisputed, legal, equi-
2 table, secured, or unsecured; or

3 (B) a right to an equitable remedy for
4 breach of performance if such breach gives rise
5 to a right to payment, whether or not such
6 right to an equitable remedy is reduced to judg-
7 ment, fixed, contingent, matured, unmatured,
8 disputed, undisputed, secured, or unsecured.

9 (4) BUDGET.—The term “Budget” means the
10 Territory Budget or an Instrumentality Budget, as
11 applicable.

12 (5) COMPLIANT BUDGET.—The term “compli-
13 ant budget” means a budget that is prepared in ac-
14 cordance with—

15 (A) agreed accounting standards; and

16 (B) the applicable Fiscal Plan.

17 (6) COVERED TERRITORIAL INSTRUMEN-
18 TALITY.—The term “covered territorial instrumen-
19 tality” means a territorial instrumentality des-
20 ignated by the Oversight Board pursuant to section
21 80301 of this title to be subject to the requirements
22 of this division.

23 (7) COVERED TERRITORY.—The term “covered
24 territory” means a territory for which an Oversight

1 Board has been established under section 80301 of
2 this title.

3 (8) EXECUTIVE DIRECTOR.—The term “Execu-
4 tive Director” means an Executive Director ap-
5 pointed under section 80303(a) of this title.

6 (9) FISCAL PLAN.—The term “Fiscal Plan”
7 means a Territory Fiscal Plan or an Instrumentality
8 Fiscal Plan, as applicable.

9 (10) GOVERNMENT OF PUERTO RICO.—The
10 term “government of Puerto Rico” means the Com-
11 monwealth of Puerto Rico, including all its terri-
12 torial instrumentalities.

13 (11) GOVERNOR.—The term “Governor” means
14 the chief executive of a covered territory.

15 (12) INSTRUMENTALITY BUDGET.—The term
16 “Instrumentality Budget” means a budget for a cov-
17 ered territorial instrumentality, designated by the
18 Oversight Board in accordance with section 80301
19 of this title, submitted, approved, and certified in ac-
20 cordance with section 80502 of this title.

21 (13) INSTRUMENTALITY FISCAL PLAN.—The
22 term “Instrumentality Fiscal Plan” means a fiscal
23 plan for a covered territorial instrumentality, des-
24 ignated by the Oversight Board in accordance with

1 section 80301, submitted, approved, and certified in
2 accordance with section 80501 of this title.

3 (14) LEGISLATURE.—The term “Legislature”
4 means the legislative body responsible for enacting
5 the laws of a covered territory.

6 (15) MODIFIED ACCRUAL ACCOUNTING STAND-
7 ARDS.—The term “modified accrual accounting
8 standards” means recognizing revenues as they be-
9 come available and measurable and recognizing ex-
10 penditures when liabilities are incurred, in each case
11 as defined by the Governmental Accounting Stand-
12 ards Board, in accordance with generally accepted
13 accounting principles.

14 (16) OVERSIGHT BOARD.—The term “Oversight
15 Board” means a Financial Oversight and Manage-
16 ment Board established in accordance with section
17 80301 of this title.

18 (17) PUERTO RICO.—The term “Puerto Rico”
19 means the Commonwealth of Puerto Rico.

20 (18) TERRITORIAL GOVERNMENT.—The term
21 “territorial government” means the government of a
22 covered territory, including all covered territorial in-
23 strumentalities.

24 (19) TERRITORIAL INSTRUMENTALITY.—

1 (A) IN GENERAL.—The term “territorial
2 instrumentality” means any political subdivi-
3 sion, public agency, instrumentality (including
4 any instrumentality that is also a bank), or
5 public corporation of a territory, and this term
6 should be broadly construed to effectuate the
7 purposes of this division.

8 (B) EXCLUSION.—The term “territorial in-
9 strumentality” does not include an Oversight
10 Board.

11 (20) TERRITORY.—The term “territory”
12 means—

13 (A) Puerto Rico;

14 (B) Guam;

15 (C) American Samoa;

16 (D) the Northern Mariana Islands; or

17 (E) the United States Virgin Islands.

18 (21) TERRITORY BUDGET.—The term “Terri-
19 tory Budget” means a budget for a territorial gov-
20 ernment submitted, approved, and certified in ac-
21 cordance with section 80502 of this title.

22 (22) TERRITORY FISCAL PLAN.—The term
23 “Territory Fiscal Plan” means a fiscal plan for a
24 territorial government submitted, approved, and cer-
25 tified in accordance with section 80501 of this title.

1 § 80102. Severability

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), if any provision of this division or the application
4 thereof to any person or circumstance is held invalid, the
5 remainder of this division, or the application of that provi-
6 sion to persons or circumstances other than those as to
7 which it is held invalid, is not affected thereby, provided
8 that chapter 807 of this title is not severable from chap-
9 ters 803 and 805 of this title, and chapters 803 and 805
10 of this title are not severable from chapter 807 of this
11 title.

12 (b) UNIFORMITY.—If a court holds invalid any provi-
13 sion of this division or the application thereof on the
14 ground that the provision fails to treat similarly situated
15 territories uniformly, then the court shall, in granting a
16 remedy, order that the provision of this division or the
17 application thereof be extended to any other similarly situ-
18 ated territory, provided that the legislature of that terri-
19 tory adopts a resolution signed by the territory’s governor
20 requesting the establishment and organization of a Finan-
21 cial Oversight and Management Board pursuant to 80301
22 of this title.

23 § 80103. Supremacy

24 The provisions of this division shall prevail over any
25 general or specific provisions of territory law, State law,
26 or regulation that are inconsistent with this division.

1 **§ 80104. Compliance with Federal laws**

2 Except as otherwise provided in this division, nothing
3 in this division shall be construed as impairing or in any
4 manner relieving a territorial government, or any terri-
5 torial instrumentality thereof, from compliance with Fed-
6 eral laws or requirements or territorial laws and require-
7 ments implementing a federally authorized or federally
8 delegated program protecting the health, safety, and envi-
9 ronment of persons in that territory.

10 **Chapter 803—Establishment and**
11 **Organization of Oversight Board**

Sec.

80301. Financial Oversight and Management Board.

80302. Location of Oversight Board.

80303. Executive director and staff of Oversight Board.

80304. Powers of Oversight Board.

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12 **§ 80301. Financial Oversight and Management Board**

13 (a) PURPOSE.—The purpose of the Oversight Board
14 is to provide a method for a covered territory to achieve
15 fiscal responsibility and access to the capital markets.

16 (b) ESTABLISHMENT.—

17 (1) PUERTO RICO.—A Financial Oversight and
18 Management Board is established for Puerto Rico.

19 (2) CONSTITUTIONAL BASIS.—Congress enacts
20 this division pursuant to article IV, section 3 of the

1 Constitution of the United States, which provides
2 Congress the power to dispose of and make all need-
3 ful rules and regulations for territories.

4 (c) TREATMENT.—An Oversight Board established
5 under this section—

6 (1) shall be created as an entity within the ter-
7 ritorial government for which it is established in ac-
8 cordance with this chapter; and

9 (2) shall not be considered to be a department,
10 agency, establishment, or instrumentality of the
11 Federal Government.

12 (d) OVERSIGHT OF TERRITORIAL INSTRUMENTAL-
13 ITIES.—

14 (1) IN GENERAL.—

15 (A) DESIGNATIONS.—An Oversight Board,
16 in its sole discretion, at a time that the Over-
17 sight Board determines to be appropriate, may
18 designate a territorial instrumentality as a cov-
19 ered territorial instrumentality that is subject
20 to the requirements of this division.

21 (B) BUDGETS AND REPORTS.—The Over-
22 sight Board may require, in its sole discretion,
23 the Governor to submit to the Oversight Board
24 such budgets and monthly or quarterly reports
25 regarding a covered territorial instrumentality

1 as the Oversight Board determines to be nec-
2 essary and may designate any covered terri-
3 torial instrumentality to be included in the Ter-
4 ritory Budget, except that the Oversight Board
5 may not designate a covered territorial instru-
6 mentality to be included in the Territory Budg-
7 et if applicable territory law does not require
8 legislative approval of the covered territorial in-
9 strumentality's budget.

10 (C) SEPARATE INSTRUMENTALITY BUDG-
11 ETS AND REPORTS.—The Oversight Board in
12 its sole discretion may or, if it requires a budg-
13 et from a covered territorial instrumentality
14 whose budget does not require legislative ap-
15 proval under applicable territory law, shall des-
16 ignate a covered territorial instrumentality to
17 be the subject of an Instrumentality Budget
18 separate from the applicable Territory Budget
19 and require that the Governor develop the In-
20 strumentality Budget.

21 (D) INCLUSION IN TERRITORY FISCAL
22 PLAN.—The Oversight Board may require, in
23 its sole discretion, the Governor to include a
24 covered territorial instrumentality in the appli-
25 cable Territory Fiscal Plan. Any covered terri-

1 territorial instrumentality submitting a separate In-
2 strumentality Fiscal Plan must also submit a
3 separate Instrumentality Budget.

4 (E) SEPARATE INSTRUMENTALITY FISCAL
5 PLANS.—The Oversight Board may designate,
6 in its sole discretion, a covered territorial in-
7 strumentality to be the subject of an Instru-
8 mentality Fiscal Plan separate from the appli-
9 cable Territory Fiscal Plan and require that the
10 Governor develop the Instrumentality Fiscal
11 Plan. Any covered territorial instrumentality
12 submitting a separate Instrumentality Fiscal
13 Plan shall also submit a separate Instrumen-
14 tality Budget.

15 (2) EXCLUSION.—

16 (A) IN GENERAL.—An Oversight Board, in
17 its sole discretion, at such time as the Oversight
18 Board determines to be appropriate, may ex-
19 clude any territorial instrumentality from the
20 requirements of this division.

21 (B) TREATMENT.—A territorial instrumen-
22 tality excluded pursuant to this paragraph shall
23 not be considered to be a covered territorial in-
24 strumentality.

25 (e) MEMBERSHIP.—

1 (1) IN GENERAL.—

2 (A) NUMBER OF MEMBERS.—The Over-
3 sight Board shall consist of 7 members ap-
4 pointed by the President who meet the quali-
5 fications described in subsection (f) and section
6 80309(a) of this title.

7 (B) MEMBER CATEGORIES.—The Over-
8 sight Board shall be comprised of—

- 9 (i) 1 Category A member;
10 (ii) 1 Category B member;
11 (iii) 2 Category C members;
12 (iv) 1 Category D member;
13 (v) 1 Category E member; and
14 (vi) 1 Category F member.

15 (2) APPOINTED MEMBERS.—

16 (A) PRESIDENTIAL SELECTION.—The
17 President shall appoint the individual members
18 of the Oversight Board, of which—

19 (i) the Category A member should be
20 selected from a list of individuals sub-
21 mitted by the Speaker of the House of
22 Representatives;

23 (ii) the Category B member should be
24 selected from a separate, non-overlapping

1 list of individuals submitted by the Speak-
2 er of the House of Representatives;

3 (iii) the Category C members should
4 be selected from a list of individuals sub-
5 mitted by the Majority Leader of the Sen-
6 ate;

7 (iv) the Category D member should be
8 selected from a list of individuals sub-
9 mitted by the Minority Leader of the
10 House of Representatives;

11 (v) the Category E member should be
12 selected from a list of individuals sub-
13 mitted by the Minority Leader of the Sen-
14 ate; and

15 (vi) the Category F member may be
16 selected in the President's sole discretion.

17 (B) LISTS.—After the President's selection
18 of the Category F Board member, for purposes
19 of subparagraph (A) and within a timely man-
20 ner—

21 (i) the Speaker of the House of Rep-
22 resentatives shall submit 2 non-overlapping
23 lists of at least 3 individuals to the Presi-
24 dent, of which 1 list shall include 3 individ-
25 uals who maintain a primary residence in

1 the territory or have a primary place of
2 business in the territory;

3 (ii) the Senate Majority Leader shall
4 submit a list of at least 4 individuals to
5 the President;

6 (iii) the Minority Leader of the House
7 of Representatives shall submit a list of at
8 least 3 individuals to the President; and

9 (iv) the Minority Leader of the Senate
10 shall submit a list of at least 3 individuals
11 to the President.

12 (C) ADDITIONAL NAMES.—If the President
13 does not select any of the names submitted
14 under subparagraphs (A) and (B), then who-
15 ever submitted the list may supplement the lists
16 provided in this subsection with additional
17 names.

18 (D) CATEGORY A RESIDENCE.—The Cat-
19 egory A member shall maintain a primary resi-
20 dence in the territory or have a primary place
21 of business in the territory.

22 (E) SENATE CONFIRMATION.—With re-
23 spect to the appointment of a Board member in
24 Category A, B, C, D, or E, the appointment
25 shall be by and with the advice and consent of

1 the Senate, unless the President appoints an in-
2 dividual from a list, as provided in this sub-
3 section, in which case no Senate confirmation is
4 required.

5 (F) VACANCY.—In the event of a vacancy
6 of a Category A, B, C, D, or E Board seat, the
7 corresponding congressional leader referenced
8 in subparagraph (A) shall submit a list pursu-
9 ant to this subsection within a timely manner
10 of the Board member’s resignation or removal
11 becoming effective.

12 (3) EX OFFICIO MEMBER.—The Governor, or
13 the Governor’s designee, shall be an ex officio mem-
14 ber of the Oversight Board without voting rights.

15 (4) CHAIR.—The voting members of the Over-
16 sight Board shall designate 1 of the voting members
17 of the Oversight Board as the Chair of the Oversight
18 Board (referred to in this division as the “Chair”)
19 within 30 days of the full appointment of the Over-
20 sight Board.

21 (5) TERM.—

22 (A) MEMBER TERM.—Each appointed
23 member of the Oversight Board shall be ap-
24 pointed for a term of 3 years.

1 (B) REMOVAL.—The President may re-
2 move any member of the Oversight Board only
3 for cause.

4 (C) CONTINUATION OF SERVICE UNTIL
5 SUCCESSOR APPOINTED.—On the expiration of
6 a term of office, a member of the Oversight
7 Board may continue to serve until a successor
8 has been appointed.

9 (D) REAPPOINTMENT.—An individual may
10 serve consecutive terms as an appointed mem-
11 ber, provided that the reappointment occurs in
12 compliance with paragraph (6).

13 (6) VACANCIES.—A vacancy on the Oversight
14 Board shall be filled in the same manner in which
15 the original member was appointed.

16 (f) ELIGIBILITY FOR APPOINTMENTS.—An indi-
17 vidual is eligible for appointment as a member of the Over-
18 sight Board only if the individual—

19 (1) has knowledge and expertise in finance, mu-
20 nicipal bond markets, management, law, or the orga-
21 nization or operation of business or government; and

22 (2) prior to appointment, an individual is not
23 an officer, elected official, or employee of the terri-
24 torial government, a candidate for elected office of

1 the territorial government, or a former elected offi-
2 cial of the territorial government.

3 (g) NO COMPENSATION FOR SERVICE.—Members of
4 the Oversight Board shall serve without pay, but may re-
5 ceive reimbursement from the Oversight Board for any
6 reasonable and necessary expenses incurred by reason of
7 service on the Oversight Board.

8 (h) ADOPTION OF BYLAWS FOR CONDUCTING BUSI-
9 NESS OF OVERSIGHT BOARD.—

10 (1) IN GENERAL.—As soon as practicable after
11 the appointment of all members and appointment of
12 the Chair, the Oversight Board shall adopt bylaws,
13 rules, and procedures governing its activities under
14 this division, including procedures for hiring experts
15 and consultants. The bylaws, rules, and procedures
16 shall be public documents, and shall be submitted by
17 the Oversight Board on adoption to the Governor,
18 the Legislature, the President, and Congress. The
19 Oversight Board may hire professionals as it deter-
20 mines to be necessary to carry out this division.

21 (2) ACTIVITIES REQUIRING APPROVAL OF MA-
22 JORITY OF MEMBERS.—Under the bylaws adopted
23 pursuant to paragraph (1), the Oversight Board
24 may conduct its operations under such procedures as
25 it considers appropriate, except that an affirmative

1 vote of a majority of the members of the Oversight
2 Board's full appointed membership shall be required
3 in order for the Oversight Board to approve a Fiscal
4 Plan under section 80501 of this title, to approve a
5 Budget under section 80502 of this title, to cause a
6 legislative act not to be enforced under section
7 80504 of this title, or to approve or disapprove an
8 infrastructure project as a Critical Project under
9 section 81103 of this title.

10 (3) ADOPTION OF RULES AND REGULATIONS OF
11 TERRITORIAL GOVERNMENT.—The Oversight Board
12 may incorporate in its bylaws, rules, and procedures
13 under this subsection such rules and regulations of
14 the territorial government as it considers appro-
15 priate to enable it to carry out its activities under
16 this division with the greatest degree of independ-
17 ence practicable.

18 (4) EXECUTIVE SESSION.—On a majority vote
19 of the Oversight Board's full voting membership, the
20 Oversight Board may conduct its business in an ex-
21 ecutive session that consists solely of the Oversight
22 Board's voting members and any professionals the
23 Oversight Board determines necessary and is closed
24 to the public, but only for the business items set

1 forth as part of the vote to convene an executive ses-
2 sion.

3 **§ 80302. Location of Oversight Board**

4 The Oversight Board shall have an office in the cov-
5 ered territory and additional offices as it considers nec-
6 essary. At any time, any department or agency of the
7 United States may provide the Oversight Board use of
8 Federal facilities and equipment on a reimbursable or non-
9 reimbursable basis and subject to such terms and condi-
10 tions as the head of that department or agency may estab-
11 lish.

12 **§ 80303. Executive director and staff of Oversight**
13 **Board**

14 (a) EXECUTIVE DIRECTOR.—The Oversight Board
15 shall have an Executive Director who shall be appointed
16 by the Chair with the consent of the Oversight Board. The
17 Executive Director shall be paid at a rate determined by
18 the Oversight Board.

19 (b) STAFF.—With the approval of the Chair, the Ex-
20 ecutive Director may appoint and fix the pay of additional
21 personnel as the Executive Director considers appropriate,
22 except that no individual appointed by the Executive Di-
23 rector may be paid at a rate greater than the rate of pay
24 for the Executive Director unless the Oversight Board pro-
25 vides for otherwise. The staff shall include a Revitalization

1 Coordinator appointed pursuant to chapter 811 of this
2 title. Any such personnel may include private citizens, em-
3 ployees of the Federal Government, or employees of the
4 territorial government, provided, however, that the Execu-
5 tive Director may not fix the pay of employees of the Fed-
6 eral Government or the territorial government.

7 (c) INAPPLICABILITY OF CERTAIN EMPLOYMENT
8 AND PROCUREMENT LAWS.—The Executive Director and
9 staff of the Oversight Board may be appointed and paid
10 without regard to any provision of the laws of the covered
11 territory or the Federal Government governing appoint-
12 ments and salaries. Any provision of the laws of the cov-
13 ered territory governing procurement shall not apply to
14 the Oversight Board.

15 (d) STAFF OF FEDERAL AGENCIES.—On request of
16 the Chair, the head of any Federal department or agency
17 may detail, on a reimbursable or nonreimbursable basis,
18 and in accordance with sections 3371 through 3375 of
19 title 5, any of the personnel of that department or agency
20 to the Oversight Board to assist it in carrying out its du-
21 ties under this division.

22 (e) STAFF OF TERRITORIAL GOVERNMENT.—On re-
23 quest of the Chair, the head of any department or agency
24 of the covered territory may detail, on a reimbursable or
25 nonreimbursable basis, any of the personnel of that de-

1 partment or agency to the Oversight Board to assist it
2 in carrying out its duties under this division.

3 **§ 80304. Powers of Oversight Board**

4 (a) HEARINGS AND SESSIONS.—The Oversight Board
5 may, for the purpose of carrying out this division, hold
6 hearings, sit and act at times and places, take testimony,
7 and receive evidence as the Oversight Board considers ap-
8 propriate. The Oversight Board may administer oaths or
9 affirmations to witnesses appearing before it.

10 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
11 ber or agent of the Oversight Board may, if authorized
12 by the Oversight Board, take any action that the Over-
13 sight Board is authorized to take by this section.

14 (c) OBTAINING OFFICIAL DATA.—

15 (1) FROM FEDERAL GOVERNMENT.—Notwith-
16 standing sections 552, 552a, and 552b of title 5, the
17 Oversight Board may secure directly from any de-
18 partment or agency of the United States information
19 necessary to enable it to carry out this division, with
20 the approval of the head of that department or agen-
21 cy.

22 (2) FROM TERRITORIAL GOVERNMENT.—Not-
23 withstanding any other provision of law, the Over-
24 sight Board shall have the right to secure copies,
25 whether written or electronic, of the records, docu-

1 ments, information, data, or metadata from the ter-
2 ritorial government necessary to enable the Over-
3 sight Board to carry out its responsibilities under
4 this division. At the request of the Oversight Board,
5 the Oversight Board shall be granted direct access
6 to such information systems, records, documents, in-
7 formation, or data as will enable the Oversight
8 Board to carry out its responsibilities under this di-
9 vision. The head of the entity of the territorial gov-
10 ernment responsible shall provide the Oversight
11 Board with such information and assistance (includ-
12 ing granting the Oversight Board direct access to
13 automated or other information systems) as the
14 Oversight Board requires under this paragraph.

15 (d) OBTAINING CREDITOR INFORMATION.—

16 (1) DEFINITION OF ORGANIZED GROUP.—In
17 this subsection, the term “organized group” means
18 multiple creditors that are—

19 (A) acting in concert to advance their com-
20 mon interests, including retaining legal counsel
21 to represent the multiple entities; and

22 (B) not composed entirely of affiliates or
23 insiders of one another.

24 (2) CREDITOR INFORMATION TO BE PUBLIC.—

25 On request of the Oversight Board, each creditor or

1 organized group of creditors of a covered territory or
2 covered territorial instrumentality seeking to partici-
3 pate in voluntary negotiations shall provide to the
4 Oversight Board, and the Oversight Board shall
5 make publicly available to any other participant, a
6 statement setting forth—

7 (A) the name and address of the creditor
8 or of each member of an organized group of
9 creditors; and

10 (B) the nature and aggregate amount of
11 claims or other economic interests held in rela-
12 tion to the issuer as of the later of—

13 (i) the date the creditor acquired the
14 claims or other economic interests or, in
15 the case of an organized group of credi-
16 tors, the date the group was formed; or

17 (ii) the date the Oversight Board was
18 formed.

19 (3) SUPPLEMENTAL STATEMENTS.—The Over-
20 sight Board may request supplemental statements to
21 be filed by each creditor or organized group of credi-
22 tors quarterly, or if any fact in the most recently
23 filed statement has changed materially.

24 (e) GIFTS, BEQUESTS, AND DEVISES.—The Over-
25 sight Board may accept, use, and dispose of gifts, be-

1 quests, or devises of services or property, both real and
2 personal, for the purpose of aiding or facilitating the work
3 of the Oversight Board. Gifts, bequests, or devises of
4 money and proceeds from sales of other property received
5 as gifts, bequests, or devises shall be deposited in such
6 account as the Oversight Board may establish and shall
7 be available for disbursement upon order of the Chair,
8 consistent with the Oversight Board's bylaws, or rules and
9 procedures. All gifts, bequests or devises and the identities
10 of the donors shall be publicly disclosed by the Oversight
11 Board within 30 days of receipt.

12 (f) SUBPOENA POWER.—

13 (1) IN GENERAL.—The Oversight Board may
14 issue subpoenas requiring the attendance and testi-
15 mony of witnesses and the production of books,
16 records, correspondence, memoranda, papers, docu-
17 ments, electronic files, metadata, tapes, and mate-
18 rials of any nature relating to any matter under in-
19 vestigation by the Oversight Board. Jurisdiction to
20 compel the attendance of witnesses and the produc-
21 tion of the materials shall be governed by the statute
22 setting forth the scope of personal jurisdiction exer-
23 cised by the covered territory, or in the case of Puer-
24 to Rico, 32 L.P.R.A. App. III. R. 4. 7., as amended.

1 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
2 son refuses to obey a subpoena issued under para-
3 graph (1), the Oversight Board may apply to the
4 court of first instance of the covered territory. Any
5 failure to obey the order of the court may be pun-
6 ished by the court in accordance with civil contempt
7 laws of the covered territory.

8 (3) SERVICE OF SUBPOENAS.—The subpoena of
9 the Oversight Board shall be served in the manner
10 provided by the rules of procedure for the courts of
11 the covered territory, or in the case of Puerto Rico,
12 the Rules of Civil Procedure of Puerto Rico, for sub-
13 poenas issued by the court of first instance of the
14 covered territory.

15 (g) AUTHORITY TO ENTER INTO CONTRACTS.—The
16 Executive Director may enter into such contracts as the
17 Executive Director considers appropriate (subject to the
18 approval of the Chair) consistent with the Oversight
19 Board’s bylaws, rules, and regulations to carry out the
20 Oversight Board’s responsibilities under this division.

21 (h) AUTHORITY TO ENFORCE CERTAIN LAWS OF
22 THE COVERED TERRITORY.—The Oversight Board shall
23 ensure the purposes of this division are met, including by
24 ensuring the prompt enforcement of any applicable laws
25 of the covered territory prohibiting public sector employees

1 from participating in a strike or lockout. In the application
2 of this subsection, with respect to Puerto Rico, the term
3 “applicable laws” refers to 3 L.P.R.A. 1451q and 3
4 L.P.R.A. 1451r, as amended.

5 (i) VOLUNTARY AGREEMENT CERTIFICATION.—

6 (1) IN GENERAL.—The Oversight Board shall
7 issue a certification to a covered territory or covered
8 territorial instrumentality if the Oversight Board de-
9 termines, in its sole discretion, that the covered ter-
10 ritory or covered territorial instrumentality, as appli-
11 cable, has successfully reached a voluntary agree-
12 ment with holders of its Bond Claims to restructure
13 such Bond Claims—

14 (A) except as provided in subparagraph
15 (C), if an applicable Fiscal Plan has been cer-
16 tified, in a manner that provides for a sustain-
17 able level of debt for the covered territory or
18 covered territorial instrumentality, as applica-
19 ble, and is in conformance with the applicable
20 certified Fiscal Plan;

21 (B) except as provided in subparagraph
22 (C), if an applicable Fiscal Plan has not yet
23 been certified, in a manner that provides, in the
24 Oversight Board’s sole discretion, for a sustain-

1 able level of debt for the covered territory or
2 covered territorial instrumentality; or

3 (C) notwithstanding subparagraphs (A)
4 and (B), if an applicable Fiscal Plan has not
5 yet been certified and the voluntary agreement
6 is limited solely to an extension of applicable
7 principal maturities and interest on Bonds
8 issued by the covered territory or covered terri-
9 torial instrumentality, as applicable, for a pe-
10 riod of up to 1 year during which time no inter-
11 est will be paid on the Bond Claims affected by
12 the voluntary agreement.

13 (2) EFFECTIVENESS.—The effectiveness of any
14 voluntary agreement referred to in paragraph (1)
15 shall be conditioned on—

16 (A) the Oversight Board delivering the cer-
17 tification described in paragraph (1); and

18 (B) the agreement of a majority in amount
19 of the Bond Claims of a covered territory or a
20 covered territorial instrumentality that are to be
21 affected by the agreement, provided, however,
22 that the agreement is solely for purposes of
23 serving as a Qualifying Modification pursuant
24 to section 80902(f) of this title and shall not
25 alter existing legal rights of holders of Bond

1 Claims against the covered territory or covered
2 territorial instrumentality that have not as-
3 sented to the agreement until an order approv-
4 ing the Qualifying Modification has been en-
5 tered pursuant to section 80902(1)(1)(D) of this
6 title.

7 (3) PREEXISTING AGREEMENTS.—Any vol-
8 untary agreement that the territorial government or
9 any territorial instrumentality has executed before
10 May 18, 2016, with holders of a majority in amount
11 of Bond Claims that are to be affected by the agree-
12 ment to restructure the Bond Claims shall be
13 deemed to be in conformance with the requirements
14 of this subsection.

15 (j) RESTRUCTURING FILINGS.—

16 (1) IN GENERAL.—Subject to paragraph (3),
17 before taking an action described in paragraph (2)
18 on behalf of a debtor or potential debtor in a case
19 under chapter 807 of this title, the Oversight Board
20 must certify the action.

21 (2) ACTIONS DESCRIBED.—The actions referred
22 to in paragraph (1) are—

23 (A) the filing of a petition; or

24 (B) the submission or modification of a
25 plan of adjustment.

1 (3) CONDITION FOR PLANS OF ADJUSTMENT.—

2 The Oversight Board may certify a plan of adjust-
3 ment only if it determines, in its sole discretion, that
4 it is consistent with the applicable certified Fiscal
5 Plan.

6 (k) CIVIL ACTION.—The Oversight Board may seek
7 judicial enforcement of its authority to carry out its re-
8 sponsibilities under this division.

9 (l) PENALTIES.—

10 (1) ACTS PROHIBITED.—Any officer or em-
11 ployee of the territorial government who prepares,
12 presents, or certifies any information or report for
13 the Oversight Board or any of its agents that is in-
14 tentionally false or misleading, or, on learning that
15 the information is false or misleading, fails to imme-
16 diately advise the Oversight Board or its agents
17 thereof in writing, shall be subject to prosecution
18 and penalties under any laws of the territory prohib-
19 iting the provision of false information to govern-
20 ment officials, which in the case of Puerto Rico shall
21 include 33 L.P.R.A. 4889, as amended.

22 (2) ADMINISTRATIVE DISCIPLINE.—In addition
23 to any other applicable penalty, any officer or em-
24 ployee of the territorial government who knowingly
25 and willfully violates paragraph (1) or takes any

1 such action in violation of any valid order of the
2 Oversight Board or fails or refuses to take any ac-
3 tion required by the order, shall be subject to appro-
4 priate administrative discipline, including (when ap-
5 propriate) suspension from duty without pay or re-
6 moval from office, by order of the Governor.

7 (3) REPORT BY GOVERNOR ON DISCIPLINARY
8 ACTIONS TAKEN.—In the case of a violation of para-
9 graph (2) by an officer or employee of the territorial
10 government, the Governor shall immediately report
11 to the Oversight Board all pertinent facts together
12 with a statement of the action taken thereon.

13 (m) ELECTRONIC REPORTING.—The Oversight
14 Board may, in consultation with the Governor, ensure the
15 prompt and efficient payment and administration of taxes
16 through the adoption of electronic reporting, payment, and
17 auditing technologies.

18 (n) ADMINISTRATIVE SUPPORT SERVICES.—On the
19 request of the Oversight Board, the Administrator of Gen-
20 eral Services or other appropriate Federal agencies shall
21 promptly provide to the Oversight Board, on a reimburs-
22 able or non-reimbursable basis, the administrative support
23 services necessary for the Oversight Board to carry out
24 its responsibilities under this division.

1 (o) INVESTIGATION OF DISCLOSURE AND SELLING
2 PRACTICES.—The Oversight Board may investigate the
3 disclosure and selling practices in connection with the pur-
4 chase of bonds issued by a covered territory for or on be-
5 half of any retail investors including any underrepresenta-
6 tion of risk for the investors and any relationships or con-
7 flicts of interest maintained by the broker, dealer, or in-
8 vestment adviser is as provided in applicable laws and reg-
9 ulations.

10 (p) FINDINGS OF ANY INVESTIGATION.—The Over-
11 sight Board shall make public the findings of any inves-
12 tigation referenced in subsection (o).

13 **§ 80305. Exemption from liability for claims**

14 The Oversight Board, its members, and its employees
15 shall not be liable for any obligation of or claim against
16 the Oversight Board or its members or employees or the
17 territorial government resulting from actions taken to
18 carry out this division.

19 **§ 80306. Treatment of actions arising from this divi-**
20 **sion**

21 (a) JURISDICTION.—Except as provided in section
22 80304(f)(2) of this title (relating to the issuance of an
23 order enforcing a subpoena) and chapter 807 of this title
24 (relating to adjustments of debts), any action against the
25 Oversight Board, and any action otherwise arising out of

1 this division, in whole or in part, shall be brought in a
2 United States district court for the covered territory or,
3 for any covered territory that does not have a district
4 court, in the United States District Court for the District
5 of Hawaii.

6 (b) APPEAL.—Notwithstanding any other provision
7 of law, any order of a United States district court that
8 is issued pursuant to an action brought under subsection
9 (a) shall be subject to review only pursuant to a notice
10 of appeal to the applicable United States Court of Ap-
11 peals.

12 (c) TIMING OF RELIEF.—Except with respect to any
13 orders entered to remedy constitutional violations, no
14 order of any court granting declaratory or injunctive relief
15 against the Oversight Board, including relief permitting
16 or requiring the obligation, borrowing, or expenditure of
17 funds, shall take effect during the pendency of the action
18 before the court, during the time appeal may be taken,
19 or (if appeal is taken) during the period before the court
20 has entered its final order disposing of the action.

21 (d) EXPEDITED CONSIDERATION.—It shall be the
22 duty of the applicable United States District Court, the
23 applicable United States Court of Appeals, and, as appli-
24 cable, the Supreme Court of the United States to advance
25 on the docket and to expedite to the greatest possible ex-

1 tent the disposition of any matter brought under this divi-
2 sion.

3 (e) REVIEW OF OVERSIGHT BOARD CERTIFI-
4 CATIONS.—There shall be no jurisdiction in any United
5 States district court to review challenges to the Oversight
6 Board’s certification determinations under this division.

7 **§ 80307. Budget and funding for operation of Over-**
8 **sight Board**

9 (a) SUBMISSION OF BUDGET.—The Oversight Board
10 shall submit a budget for each fiscal year during which
11 the Oversight Board is in operation, to the President, the
12 Committee on Natural Resources of the House of Rep-
13 resentatives, the Committee on Energy and Natural Re-
14 sources of the Senate, the Governor, and the Legislature.

15 (b) FUNDING.—

16 (1) IN GENERAL.—The Oversight Board shall
17 use its powers with respect to the Territory Budget
18 of the covered territory to ensure that sufficient
19 funds are available to cover all expenses of the Over-
20 sight Board.

21 (2) PERMANENT FUNDING.—The territorial
22 government shall designate a dedicated funding
23 source, not subject to subsequent legislative appro-
24 priations, sufficient to support the annual expenses

1 of the Oversight Board as determined in the Over-
2 sight Board's sole and exclusive discretion.

3 (3) INITIAL FUNDING AND TERMINATION.—

4 (A) INITIAL FUNDING.—On the date of es-
5 tablishment of an Oversight Board in accord-
6 ance with section 80301(b) of this title and on
7 the 5th day of each month thereafter, the Gov-
8 ernor of the covered territory shall transfer or
9 cause to be transferred the greater of
10 \$2,000,000 or such amount as shall be deter-
11 mined by the Oversight Board pursuant to sub-
12 section (a) to a new account established by the
13 territorial government, which shall be available
14 to, and subject to the exclusive control of, the
15 Oversight Board, without any legislative appro-
16 priations of the territorial government.

17 (B) TERMINATION.—The initial funding
18 requirements under subparagraph (A) shall ter-
19minate upon the territorial government desig-
20nating a dedicated funding source not subject
21to subsequent legislative appropriations under
22paragraph (2).

23 (4) REMISSION OF EXCESS FUNDS.—If the
24 Oversight Board determines in its sole discretion
25 that any funds transferred under this subsection ex-

1 ceed the amounts required for the Oversight Board's
2 operations as established pursuant to subsection (a),
3 the excess funds shall be periodically remitted to the
4 territorial government.

5 **§ 80308. Autonomy of Oversight Board**

6 (a) IN GENERAL.—Neither the Governor nor the
7 Legislature may—

8 (1) exercise any control, supervision, oversight,
9 or review over the Oversight Board or its activities;
10 or

11 (2) enact, implement, or enforce any statute,
12 resolution, policy, or rule that would impair or de-
13 feat the purposes of this division, as determined by
14 the Oversight Board.

15 (b) OVERSIGHT BOARD LEGAL REPRESENTATION.—
16 In any action brought by, on behalf of, or against the
17 Oversight Board, the Oversight Board shall be represented
18 by such counsel as it may hire or retain so long as the
19 representation complies with the applicable professional
20 rules of conduct governing conflicts of interests.

21 **§ 80309. Ethics**

22 (a) CONFLICT OF INTEREST.—Notwithstanding any
23 ethics provision governing employees of the covered terri-
24 tory, all members and staff of the Oversight Board shall

1 be subject to the Federal conflict of interest requirements
2 described in section 208 of title 18.

3 (b) FINANCIAL DISCLOSURE.—Notwithstanding any
4 ethics provision governing employees of the covered terri-
5 tory, all members of the Oversight Board and staff des-
6 igned by the Oversight Board shall be subject to dislo-
7 sure of their financial interests, the contents of which shall
8 conform to the same requirements set forth in section
9 13104 of title 5.

10 **Chapter 805—Responsibilities of** 11 **Oversight Board**

Sec.

80501. Approval of Fiscal Plans.

80502. Approval of Budgets.

80503. Effect of finding of noncompliance with budget.

80504. Oversight Board review of activities to ensure compliance with Fiscal
Plan.

80505. Oversight Board recommendations on financial stability and manage-
ment responsibility.

80506. Oversight board duties related to restructuring.

80507. Authority related to debt issuance.

80508. Required reports.

80509. Termination of Oversight Board.

80510. No full faith and credit of the United States.

80511. Analysis of pensions.

80512. Intervention in litigation.

12 **§ 80501. Approval of Fiscal Plans**

13 (a) IN GENERAL.—As soon as practicable after all
14 of the members and the Chair have been appointed to the
15 Oversight Board in accordance with section 80301(e) of
16 this title in the fiscal year in which the Oversight Board
17 is established, and in each fiscal year thereafter during
18 which the Oversight Board is in operation, the Oversight

1 Board shall deliver a notice to the Governor providing a
2 schedule for the process of development, submission, ap-
3 proval, and certification of Fiscal Plans. The notice may
4 also set forth a schedule for revisions to any Fiscal Plan
5 that has already been certified, which revisions must be
6 subject to subsequent approval and certification by the
7 Oversight Board. The Oversight Board shall consult with
8 the Governor in establishing a schedule, but the Oversight
9 Board shall retain sole discretion to set or, by delivery of
10 a subsequent notice to the Governor, change the dates of
11 such schedule as it considers appropriate and reasonably
12 feasible.

13 (b) REQUIREMENTS.—

14 (1) IN GENERAL.—A Fiscal Plan developed
15 under this section shall, with respect to the terri-
16 torial government or covered territorial instrumen-
17 tality, provide a method to achieve fiscal responsi-
18 bility and access to the capital markets, and—

19 (A) provide for estimates of revenues and
20 expenditures in conformance with agreed ac-
21 counting standards and be based on—

22 (i) applicable laws; or

23 (ii) specific bills that require enact-
24 ment in order to reasonably achieve the
25 projections of the Fiscal Plan;

1 (B) ensure the funding of essential public
2 services;

3 (C) provide adequate funding for public
4 pension systems;

5 (D) provide for the elimination of struc-
6 tural deficits;

7 (E) for fiscal years covered by a Fiscal
8 Plan in which a stay under chapters 807 or 821
9 of this title is not effective, provide for a debt
10 burden that is sustainable;

11 (F) improve fiscal governance, account-
12 ability, and internal controls;

13 (G) enable the achievement of fiscal tar-
14 gets;

15 (H) create independent forecasts of rev-
16 enue for the period covered by the Fiscal Plan;

17 (I) include a debt sustainability analysis;

18 (J) provide for capital expenditures and in-
19 vestments necessary to promote economic
20 growth;

21 (K) adopt appropriate recommendations
22 submitted by the Oversight Board under section
23 80505(a) of this title;

24 (L) include such additional information as
25 the Oversight Board considers necessary;

1 (M) ensure that assets, funds, or resources
2 of a territorial instrumentality are not loaned
3 to, transferred to, or otherwise used for the
4 benefit of a covered territory or another covered
5 territorial instrumentality of a covered territory,
6 unless permitted by the constitution of the ter-
7 ritory, an approved plan of adjustment under
8 chapter 807 of this title, or a Qualifying Modi-
9 fication approved under chapter 809 of this
10 title; and

11 (N) respect the relative lawful priorities or
12 lawful liens, as may be applicable, in the con-
13 stitution, other laws, or agreements of a covered
14 territory or covered territorial instrumentality
15 in effect prior to June 30, 2016.

16 (2) TERM.—A Fiscal Plan developed under this
17 section shall cover a period of fiscal years as deter-
18 mined by the Oversight Board in its sole discretion
19 but in any case a period of not less than 5 fiscal
20 years from the fiscal year in which it is certified by
21 the Oversight Board.

22 (c) DEVELOPMENT, REVIEW, APPROVAL, AND CER-
23 TIFICATION OF FISCAL PLANS.—

24 (1) TIMING REQUIREMENT.—The Governor
25 may not submit to the Legislature a Territory Budg-

1 et under section 80502 of this title for a fiscal year
2 unless the Oversight Board has certified the Terri-
3 tory Fiscal Plan for that fiscal year in accordance
4 with this subsection, unless the Oversight Board in
5 its sole discretion, waives this requirement.

6 (2) FISCAL PLAN DEVELOPED BY GOVERNOR.—
7 The Governor shall submit to the Oversight Board
8 any proposed Fiscal Plan required by the Oversight
9 Board by the time specified in the notice delivered
10 under subsection (a).

11 (3) REVIEW BY THE OVERSIGHT BOARD.—The
12 Oversight Board shall review any proposed Fiscal
13 Plan to determine whether it satisfies the require-
14 ments set forth in subsection (b) and, if the Over-
15 sight Board determines in its sole discretion that the
16 proposed Fiscal Plan—

17 (A) satisfies the requirements, the Over-
18 sight Board shall approve the proposed Fiscal
19 Plan; or

20 (B) does not satisfy the requirements, the
21 Oversight Board shall provide to the Gov-
22 ernor—

23 (i) a notice of violation that includes
24 recommendations for revisions to the appli-
25 cable Fiscal Plan; and

1 (ii) an opportunity to correct the vio-
2 lation in accordance with subsection (d)(1).

3 (d) REVISED FISCAL PLAN.—

4 (1) IN GENERAL.—If the Governor receives a
5 notice of violation under subsection (c)(3), the Gov-
6 ernor shall submit to the Oversight Board a revised
7 proposed Fiscal Plan in accordance with subsection
8 (b) by the time specified in the notice delivered
9 under subsection (a). The Governor may submit as
10 many revised Fiscal Plans to the Oversight Board as
11 the schedule established in the notice delivered under
12 subsection (a) permits.

13 (2) DEVELOPED BY OVERSIGHT BOARD.—If the
14 Governor fails to submit to the Oversight Board a
15 Fiscal Plan that the Oversight Board determines in
16 its sole discretion satisfies the requirements set forth
17 in subsection (b) by the time specified in the notice
18 delivered under subsection (a), the Oversight Board
19 shall develop and submit to the Governor and the
20 Legislature a Fiscal Plan that satisfies the require-
21 ments set forth in subsection (b).

22 (e) APPROVAL AND CERTIFICATION.—

23 (1) APPROVAL OF FISCAL PLAN DEVELOPED BY
24 GOVERNOR.—If the Oversight Board approves a Fis-
25 cal Plan under subsection (c)(3), it shall deliver a

1 compliance certification for the Fiscal Plan to the
2 Governor and the Legislature.

3 (2) DEEMED APPROVAL OF FISCAL PLAN DE-
4 VELOPED BY OVERSIGHT BOARD.—If the Oversight
5 Board develops a Fiscal Plan under subsection
6 (d)(2), the Fiscal Plan shall be deemed approved by
7 the Governor, and the Oversight Board shall issue a
8 compliance certification for the Fiscal Plan to the
9 Governor and the Legislature.

10 (f) JOINT DEVELOPMENT OF FISCAL PLAN.—Not-
11 withstanding any other provision of this section, if the
12 Governor and the Oversight Board jointly develop a Fiscal
13 Plan for the fiscal year that meets the requirements under
14 this section, and that the Governor and the Oversight
15 Board certify that the Fiscal Plan reflects a consensus be-
16 tween the Governor and the Oversight Board, then the
17 Fiscal Plan shall serve as the Fiscal Plan for the territory
18 or territorial instrumentality for that fiscal year.

19 **§ 80502. Approval of Budgets**

20 (a) REASONABLE SCHEDULE FOR DEVELOPMENT OF
21 BUDGETS.—As soon as practicable after all of the mem-
22 bers and the Chair have been appointed to the Oversight
23 Board in the fiscal year in which the Oversight Board is
24 established, and in each fiscal year thereafter during
25 which the Oversight Board is in operation, the Oversight

1 Board shall deliver a notice to the Governor and the Legis-
2 lature providing a schedule for developing, submitting, ap-
3 proving, and certifying Budgets for a period of fiscal years
4 as determined by the Oversight Board in its sole discretion
5 but in any case a period of not less than 1 fiscal year
6 following the fiscal year in which the notice is delivered.
7 The notice may also set forth a schedule for revisions to
8 Budgets that have already been certified, which revisions
9 must be subject to subsequent approval and certification
10 by the Oversight Board. The Oversight Board shall con-
11 sult with the Governor and the Legislature in establishing
12 a schedule, but the Oversight Board shall retain sole dis-
13 cretion to set or, by delivery of a subsequent notice to the
14 Governor and the Legislature, change the dates of the
15 schedule as it considers appropriate and reasonably fea-
16 sible.

17 (b) REVENUE FORECAST.—The Oversight Board
18 shall submit to the Governor and Legislature a forecast
19 of revenues for the period covered by the Budget by the
20 time specified in the notice delivered under subsection (a),
21 for use by the Governor in developing the Budget under
22 subsection (c).

23 (c) BUDGETS DEVELOPED BY GOVERNOR.—

24 (1) GOVERNOR'S PROPOSED BUDGETS.—The
25 Governor shall submit to the Oversight Board pro-

1 posed Budgets by the time specified in the notice de-
2 livered under subsection (a). In consultation with the
3 Governor in accordance with the process specified in
4 the notice delivered under subsection (a), the Over-
5 sight Board shall determine in its sole discretion
6 whether each proposed Budget is compliant with the
7 applicable Fiscal Plan and—

8 (A) if a proposed Budget is a compliant
9 budget, the Oversight Board shall—

10 (i) approve the Budget; and

11 (ii) if the Budget is a Territory Budg-
12 et, submit the Territory Budget to the
13 Legislature; or

14 (B) if the Oversight Board determines that
15 the Budget is not a compliant budget, the Over-
16 sight Board shall provide to the Governor—

17 (i) a notice of violation that includes
18 a description of any necessary corrective
19 action; and

20 (ii) an opportunity to correct the vio-
21 lation in accordance with paragraph (2).

22 (2) GOVERNOR'S REVISIONS.—The Governor
23 may correct any violations identified by the Over-
24 sight Board and submit a revised proposed Budget
25 to the Oversight Board in accordance with para-

1 graph (1). The Governor may submit as many re-
2 vised Budgets to the Oversight Board as the sched-
3 ule established in the notice delivered under sub-
4 section (a) permits. If the Governor fails to develop
5 a Budget that the Oversight Board determines is a
6 compliant budget by the time specified in the notice
7 delivered under subsection (a), the Oversight Board
8 shall develop and submit to the Governor, in the
9 case of an Instrumentality Budget, and to the Gov-
10 ernor and the Legislature, in the case of a Territory
11 Budget, a revised compliant budget.

12 (d) BUDGET APPROVAL BY LEGISLATURE.—

13 (1) LEGISLATURE ADOPTED BUDGET.—The
14 Legislature shall submit to the Oversight Board the
15 Territory Budget adopted by the Legislature by the
16 time specified in the notice delivered under sub-
17 section (a). The Oversight Board shall determine
18 whether the adopted Territory Budget is a compliant
19 budget and—

20 (A) if the adopted Territory Budget is a
21 compliant budget, the Oversight Board shall
22 issue a compliance certification for the compli-
23 ant budget pursuant to subsection (e); and

1 (B) if the adopted Territory Budget is not
2 a compliant budget, the Oversight Board shall
3 provide to the Legislature—

4 (i) a notice of violation that includes
5 a description of any necessary corrective
6 action; and

7 (ii) an opportunity to correct the vio-
8 lation in accordance with paragraph (2).

9 (2) LEGISLATURE'S REVISIONS.—The Legisla-
10 ture may correct any violations identified by the
11 Oversight Board and submit a revised Territory
12 Budget to the Oversight Board in accordance with
13 the process established under paragraph (1) and by
14 the time specified in the notice delivered under sub-
15 section (a). The Legislature may submit as many re-
16 vised adopted Territory Budgets to the Oversight
17 Board as the schedule established in the notice deliv-
18 ered under subsection (a) permits. If the Legislature
19 fails to adopt a Territory Budget that the Oversight
20 Board determines is a compliant budget by the time
21 specified in the notice delivered under subsection (a),
22 the Oversight Board shall develop a revised Terri-
23 tory Budget that is a compliant budget and submit
24 it to the Governor and the Legislature.

25 (e) CERTIFICATION OF BUDGETS.—

1 (1) CERTIFICATION OF DEVELOPED AND AP-
2 PROVED TERRITORY BUDGETS.—If the Governor and
3 the Legislature develop and approve a Territory
4 Budget that is a compliant budget by the day before
5 the 1st day of the fiscal year for which the Territory
6 Budget is being developed and in accordance with
7 the process established under subsections (c) and
8 (d), the Oversight Board shall issue a compliance
9 certification to the Governor and the Legislature for
10 the Territory Budget.

11 (2) CERTIFICATION OF DEVELOPED INSTRU-
12 MENTALITY BUDGETS.—If the Governor develops an
13 Instrumentality Budget that is a compliant budget
14 by the day before the 1st day of the fiscal year for
15 which the Instrumentality Budget is being developed
16 and in accordance with the process established under
17 subsection (c), the Oversight Board shall issue a
18 compliance certification to the Governor for the In-
19 strumentality Budget.

20 (3) DEEMED CERTIFICATION OF TERRITORY
21 BUDGETS.—If the Governor and the Legislature fail
22 to develop and approve a Territory Budget that is
23 a compliant budget by the day before the 1st day of
24 the fiscal year for which the Territory Budget is
25 being developed, the Oversight Board shall submit a

1 Budget to the Governor and the Legislature (includ-
2 ing any revision to the Territory Budget made by
3 the Oversight Board pursuant to subsection (d)(2))
4 and the Budget shall be—

5 (A) deemed to be approved by the Gov-
6 ernor and the Legislature;

7 (B) the subject of a compliance certifi-
8 cation issued by the Oversight Board to the
9 Governor and the Legislature; and

10 (C) in full force and effect beginning on
11 the 1st day of the applicable fiscal year.

12 (4) DEEMED CERTIFICATION OF INSTRUMEN-
13 TIALITY BUDGETS.—If the Governor fails to develop
14 an Instrumentality Budget that is a compliant budg-
15 et by the day before the 1st day of the fiscal year
16 for which the Instrumentality Budget is being devel-
17 oped, the Oversight Board shall submit an Instru-
18 mentality Budget to the Governor (including any re-
19 vision to the Instrumentality Budget made by the
20 Oversight Board pursuant to subsection (c)(2)), and
21 the Budget shall be—

22 (A) deemed to be approved by the Gov-
23 ernor;

1 (B) the subject of a compliance certifi-
2 cation issued by the Oversight Board to the
3 Governor; and

4 (C) in full force and effect beginning on
5 the 1st day of the applicable fiscal year.

6 (f) JOINT DEVELOPMENT OF BUDGETS.—Notwith-
7 standing any other provision of this section, if, in the case
8 of a Territory Budget, the Governor, the Legislature, and
9 the Oversight Board, or in the case of an Instrumentality
10 Budget, the Governor and the Oversight Board, jointly de-
11 velop the Budget for the fiscal year that meets the require-
12 ments under this section, and that the relevant parties cer-
13 tify that the budget reflects a consensus among them, then
14 the Budget shall serve as the Budget for the territory or
15 territorial instrumentality for that fiscal year.

16 **§ 80503. Effect of finding of noncompliance with**
17 **budget**

18 (a) SUBMISSION OF REPORTS.—Not later than 15
19 days after the last day of each quarter of a fiscal year
20 (beginning with the fiscal year determined by the Over-
21 sight Board), the Governor shall submit to the Oversight
22 Board a report, in such form as the Oversight Board may
23 require, describing—

24 (1) the actual cash revenues, cash expenditures,
25 and cash flows of the territorial government for the

1 preceding quarter, as compared to the projected rev-
2 enues, expenditures, and cash flows contained in the
3 certified Budget for the preceding quarter; and

4 (2) any other information requested by the
5 Oversight Board, which may include a balance sheet
6 or a requirement that the Governor provide informa-
7 tion for each covered territorial instrumentality sep-
8 arately.

9 (b) INITIAL ACTION BY OVERSIGHT BOARD.—

10 (1) IN GENERAL.—If the Oversight Board de-
11 termines, based on reports submitted by the Gov-
12 ernor under subsection (a), independent audits, or
13 such other information as the Oversight Board may
14 obtain, that the actual quarterly revenues, expendi-
15 tures, or cash flows of the territorial government are
16 not consistent with the projected revenues, expendi-
17 tures, or cash flows set forth in the certified Budget
18 for the quarter, the Oversight Board shall—

19 (A) require the territorial government to
20 provide such additional information as the
21 Oversight Board determines to be necessary to
22 explain the inconsistency; and

23 (B) if the additional information provided
24 under subparagraph (A) does not provide an ex-
25 planation for the inconsistency that the Over-

1 sight Board finds reasonable and appropriate,
2 advise the territorial government to correct the
3 inconsistency by implementing remedial action.

4 (2) DEADLINES.—The Oversight Board shall
5 establish the deadlines by which the territorial gov-
6 ernment shall meet the requirements of subpara-
7 graphs (A) and (B) of paragraph (1).

8 (c) CERTIFICATION.—

9 (1) INCONSISTENCY.—If the territorial govern-
10 ment fails to provide additional information under
11 subsection (b)(1)(A), or fails to correct an inconsis-
12 tency under subsection (b)(1)(B), prior to the appli-
13 cable deadline under subsection (b)(2), the Oversight
14 Board shall certify to the President, the Committee
15 on Natural Resources of the House of Representa-
16 tives, the Committee on Energy and Natural Re-
17 sources of the Senate, the Governor, and the Legis-
18 lature that the territorial government is inconsistent
19 with the applicable certified Budget, and shall de-
20 scribe the nature and amount of the inconsistency.

21 (2) CORRECTION.—If the Oversight Board de-
22 termines that the territorial government has initi-
23 ated such measures as the Oversight Board con-
24 siders sufficient to correct an inconsistency certified
25 under paragraph (1), the Oversight Board shall cer-

1 tify the correction to the President, the Committee
2 on Natural Resources of the House of Representa-
3 tives, the Committee on Energy and Natural Re-
4 sources of the Senate, the Governor, and the Legis-
5 lature.

6 (d) BUDGET REDUCTIONS BY OVERSIGHT BOARD.—

7 If the Oversight Board determines that the Governor, in
8 the case of any then-applicable certified Instrumentality
9 Budgets, and the Governor and the Legislature, in the
10 case of the then-applicable certified Territory Budget,
11 have failed to correct an inconsistency identified by the
12 Oversight Board under subsection (c), the Oversight
13 Board shall—

14 (1) with respect to the territorial government,
15 other than covered territorial instrumentalities,
16 make appropriate reductions in nondebt expendi-
17 tures to ensure that the actual quarterly revenues
18 and expenditures for the territorial government are
19 in compliance with the applicable certified Territory
20 Budget or, in the case of the fiscal year in which the
21 Oversight Board is established, the budget adopted
22 by the Governor and the Legislature; and

23 (2) with respect to covered territorial instru-
24 mentalities at the sole discretion of the Oversight
25 Board—

1 (A) make reductions in nondebt expendi-
2 tures to ensure that the actual quarterly reve-
3 nues and expenses for the covered territorial in-
4 strumentality are in compliance with the appli-
5 cable certified Budget or, in the case of the fis-
6 cal year in which the Oversight Board is estab-
7 lished, the budget adopted by the Governor and
8 the Legislature or the covered territorial instru-
9 mentality, as applicable; or

10 (B)(i) institute automatic hiring freezes at
11 the covered territorial instrumentality; and

12 (ii) prohibit the covered territorial instru-
13 mentality from entering into any contract or en-
14 gaging in any financial or other transactions,
15 unless the contract or transaction was pre-
16 viously approved by the Oversight Board.

17 (e) **TERMINATION OF BUDGET REDUCTIONS.**—The
18 Oversight Board shall cancel the reductions, hiring
19 freezes, or prohibition on contracts and financial trans-
20 actions under subsection (d) if the Oversight Board deter-
21 mines that the territorial government or covered territorial
22 instrumentality, as applicable, has initiated appropriate
23 measures to reduce expenditures or increase revenues to
24 ensure that the territorial government or covered terri-
25 torial instrumentality is in compliance with the applicable

1 certified Budget or, in the case of the fiscal year in which
2 the Oversight Board is established, the budget adopted by
3 the Governor and the Legislature.

4 **§ 80504. Oversight Board review of activities to en-**
5 **sure compliance with Fiscal Plan**

6 (a) SUBMISSION OF LEGISLATIVE ACTS TO OVER-
7 SIGHT BOARD.—

8 (1) SUBMISSION OF ACTS.—Except to the ex-
9 tent that the Oversight Board may provide otherwise
10 in its bylaws, rules, and procedures, not later than
11 7 business days after a territorial government duly
12 enacts any law during any fiscal year in which the
13 Oversight Board is in operation, the Governor shall
14 submit the law to the Oversight Board.

15 (2) COST ESTIMATE AND CERTIFICATION OF
16 COMPLIANCE.—The Governor shall include with each
17 law submitted to the Oversight Board under para-
18 graph (1) the following:

19 (A) A formal estimate prepared by an ap-
20 propriate entity of the territorial government
21 with expertise in budgets and financial manage-
22 ment of the impact, if any, that the law will
23 have on expenditures and revenues.

24 (B) If the appropriate entity described in
25 subparagraph (A) finds that the law is not sig-

1 significantly inconsistent with the Fiscal Plan for
2 the fiscal year, a certification of the finding.

3 (C) If the appropriate entity described in
4 subparagraph (A) finds that the law is signifi-
5 cantly inconsistent with the Fiscal Plan for the
6 fiscal year, a certification of the finding, to-
7 gether with the entity's reasons for the finding.

8 (3) NOTIFICATION.—The Oversight Board shall
9 send a notification to the Governor and the Legisla-
10 ture if—

11 (A) the Governor submits a law to the
12 Oversight Board under this subsection that is
13 not accompanied by the estimate required under
14 paragraph (2)(A);

15 (B) the Governor submits a law to the
16 Oversight Board under this subsection that is
17 not accompanied by a certification described in
18 subparagraph (B) or (C) of paragraph (2); or

19 (C) the Governor submits a law to the
20 Oversight Board under this subsection that is
21 accompanied by a certification described in
22 paragraph (2)(C) that the law is significantly
23 inconsistent with the Fiscal Plan.

24 (4) OPPORTUNITY TO RESPOND.—

1 (A) FAILURE TO PROVIDE ESTIMATE OR
2 CERTIFICATION.—After sending a notification
3 to the Governor and the Legislature under sub-
4 paragraph (A) or (B) of paragraph (3) with re-
5 spect to a law, the Oversight Board may direct
6 the Governor to provide the missing estimate or
7 certification (as the case may be), in accordance
8 with such procedures as the Oversight Board
9 may establish.

10 (B) SUBMISSION OF CERTIFICATION OF
11 SIGNIFICANT INCONSISTENCY WITH FISCAL
12 PLAN AND BUDGET.—In accordance with such
13 procedures as the Oversight Board may estab-
14 lish, after sending a notification to the Gov-
15 ernor and Legislature under paragraph (3)(C)
16 that a law is significantly inconsistent with the
17 Fiscal Plan, the Oversight Board shall direct
18 the territorial government to—

19 (i) correct the law to eliminate the in-
20 consistency; or

21 (ii) provide an explanation for the in-
22 consistency that the Oversight Board finds
23 reasonable and appropriate.

24 (5) FAILURE TO COMPLY.—If the territorial
25 government fails to comply with a direction given by

1 the Oversight Board under paragraph (4) with re-
2 spect to a law, the Oversight Board may take such
3 actions as it considers necessary, consistent with this
4 division, to ensure that the enactment or enforce-
5 ment of the law will not adversely affect the terri-
6 torial government's compliance with the Fiscal Plan,
7 including preventing the enforcement or application
8 of the law.

9 (6) PRELIMINARY REVIEW OF PROPOSED
10 ACTS.—At the request of the Legislature, the Over-
11 sight Board may conduct a preliminary review of
12 proposed legislation before the Legislature to deter-
13 mine whether the legislation as proposed would be
14 consistent with the applicable Fiscal Plan under this
15 chapter, except that the preliminary review shall not
16 be binding on the Oversight Board in reviewing any
17 law subsequently submitted under this subsection.

18 (b) EFFECT OF APPROVED FISCAL PLAN ON CON-
19 TRACTS, RULES, AND REGULATIONS.—

20 (1) TRANSPARENCY IN CONTRACTING.—The
21 Oversight Board shall work with a covered terri-
22 tory's office of the comptroller or a functionally
23 equivalent entity to promote compliance with the ap-
24 plicable law of a covered territory that requires
25 agencies and instrumentalities of the territorial gov-

1 ernment to maintain a registry of all contracts exe-
2 cuted, including amendments thereto, and to remit
3 a copy to the office of the comptroller for inclusion
4 in a comprehensive database available to the public.
5 With respect to Puerto Rico, the term “applicable
6 law” refers to 2 L.P.R.A. 97, as amended.

7 (2) **AUTHORITY TO REVIEW CERTAIN CON-**
8 **TRACTS.**—The Oversight Board may establish poli-
9 cies to require prior Oversight Board approval of
10 certain contracts, including leases and contracts to
11 a governmental entity or government-owned corpora-
12 tions rather than private enterprises, that are pro-
13 posed to be executed by the territorial government,
14 to ensure the proposed contracts promote market
15 competition and are not inconsistent with the ap-
16 proved Fiscal Plan.

17 (3) **SENSE OF CONGRESS.**—It is the sense of
18 Congress that any policies established by the Over-
19 sight Board pursuant to paragraph (2) should be de-
20 signed to make the government contracting process
21 more effective, to increase the public’s faith in this
22 process, to make appropriate use of the Oversight
23 Board’s time and resources, to make the territorial
24 government a facilitator and not a competitor to pri-

1 vate enterprise, and to avoid creating any additional
2 bureaucratic obstacles to efficient contracting.

3 (4) AUTHORITY TO REVIEW CERTAIN RULES,
4 REGULATIONS, AND EXECUTIVE ORDERS.—The pro-
5 visions of this paragraph shall apply with respect to
6 a rule, regulation, or executive order proposed to be
7 issued by the Governor (or the head of a department
8 or agency of the territorial government) in the same
9 manner as the provisions apply to a contract.

10 (5) FAILURE TO COMPLY.—If a contract, rule,
11 regulation, or executive order fails to comply with
12 policies established by the Oversight Board under
13 this subsection, the Oversight Board may take such
14 actions as it considers necessary to ensure that the
15 contract, rule, executive order or regulation will not
16 adversely affect the territorial government’s compli-
17 ance with the Fiscal Plan, including by preventing
18 the execution or enforcement of the contract, rule,
19 executive order or regulation.

20 (c) RESTRICTIONS ON BUDGETARY ADJUSTMENTS.—

21 (1) SUBMISSION OF REQUESTS TO OVERSIGHT
22 BOARD.—If the Governor submits a request to the
23 Legislature for the reprogramming of any amounts
24 provided in a certified Budget, the Governor shall
25 submit the request to the Oversight Board, which

1 shall analyze whether the proposed reprogramming
2 is significantly inconsistent with the Budget, and
3 submit its analysis to the Legislature as soon as
4 practicable after receiving the request.

5 (2) NO ACTION PERMITTED UNTIL ANALYSIS
6 RECEIVED.—The Legislature shall not adopt a re-
7 programming, and no officer or employee of the ter-
8 ritorial government may carry out any reprogram-
9 ming, until the Oversight Board has provided the
10 Legislature with an analysis that certifies the re-
11 programming will not be inconsistent with the Fiscal
12 Plan and Budget.

13 (3) PROHIBITION ON ACTION UNTIL OVERSIGHT
14 BOARD IS APPOINTED.—

15 (A) PRIOR TO APPOINTMENTS.—During
16 the period after a territory becomes a covered
17 territory and prior to the appointment of all
18 members and the Chair of the Oversight Board,
19 the covered territory shall not enact new laws
20 that either permit the transfer of any funds or
21 assets outside the ordinary course of business
22 or that are inconsistent with the constitution or
23 laws of the territory as of June 30, 2016, pro-
24 vided that any executive or legislative action au-
25 thorizing the movement of funds or assets dur-

1 ing this time period may be subject to review
2 and rescission by the Oversight Board on ap-
3 pointment of the Oversight Board's full mem-
4 bership.

5 (B) ON APPOINTMENT OF OVERSIGHT
6 BOARD.—On appointment of the Oversight
7 Board's full membership, the Oversight Board
8 may review, and in its sole discretion, rescind,
9 any law that—

10 (i) was enacted during the period be-
11 tween, with respect to Puerto Rico, May 4,
12 2016, or with respect to any other terri-
13 tory, 45 days prior to the establishment of
14 the Oversight Board for the territory and
15 the date of appointment of all members
16 and the Chair of the Oversight Board; and

17 (ii) alters pre-existing priorities of
18 creditors in a manner outside the ordinary
19 course of business or inconsistent with the
20 territory's constitution or the laws of the
21 territory as of, in the case of Puerto Rico,
22 May 4, 2016, or with respect to any other
23 territory, 45 days prior to the establish-
24 ment of the Oversight Board for the terri-
25 tory.

1 (C) EXTENT OF RESCISSION.—Rescission
2 under subparagraph (B) shall only be to the ex-
3 tent that the law alters the priorities described
4 in subparagraph (A)(ii).

5 (d) IMPLEMENTATION OF FEDERAL PROGRAMS.—In
6 taking actions under this division, the Oversight Board
7 shall not exercise applicable authorities to impede terri-
8 torial actions taken to—

9 (1) comply with a court-issued consent decree
10 or injunction, or an administrative order or settle-
11 ment with a Federal agency, with respect to Federal
12 programs;

13 (2) implement a federally authorized or feder-
14 ally delegated program;

15 (3) implement territorial laws, which are con-
16 sistent with a certified Fiscal Plan, that execute
17 Federal requirements and standards; or

18 (4) preserve and maintain federally funded
19 mass transportation assets.

20 **§ 80505. Oversight Board recommendations on finan-**
21 **cial stability and management responsi-**
22 **bility**

23 (a) IN GENERAL.—The Oversight Board may at any
24 time submit recommendations to the Governor or the Leg-
25 islature on actions the territorial government may take to

1 ensure compliance with the Fiscal Plan, or to otherwise
2 promote the financial stability, economic growth, manage-
3 ment responsibility, and service delivery efficiency of the
4 territorial government, including recommendations relat-
5 ing to—

6 (1) the management of the territorial govern-
7 ment’s financial affairs, including economic fore-
8 casting and multiyear fiscal forecasting capabilities,
9 information technology, placing controls on expendi-
10 tures for personnel, reducing benefit costs, reforming
11 procurement practices, and placing other controls on
12 expenditures;

13 (2) the structural relationship of departments,
14 agencies, and independent agencies within the terri-
15 torial government;

16 (3) the modification of existing revenue struc-
17 tures, or the establishment of additional revenue
18 structures;

19 (4) the establishment of alternatives for meet-
20 ing obligations to pay for the pensions of territorial
21 government employees;

22 (5) modifications or transfers of the types of
23 services that are the responsibility of, and are deliv-
24 ered by the territorial government;

1 (6) modifications of the types of services that
2 are delivered by entities other than the territorial
3 government under alternative service delivery mecha-
4 nisms;

5 (7) the effects of the territory's laws and court
6 orders on the operations of the territorial govern-
7 ment;

8 (8) the establishment of a personnel system for
9 employees of the territorial government that is based
10 on employee performance standards;

11 (9) the improvement of personnel training and
12 proficiency, the adjustment of staffing levels, and
13 the improvement of training and performance of
14 management and supervisory personnel; and

15 (10) the privatization and commercialization of
16 entities within the territorial government.

17 (b) **RESPONSE TO RECOMMENDATIONS BY THE TER-**
18 **RITORIAL GOVERNMENT.—**

19 (1) **IN GENERAL.—**In the case of any rec-
20 ommendations submitted under subsection (a) that
21 are within the authority of the territorial govern-
22 ment to adopt, not later than 90 days after receiving
23 the recommendations, the Governor or the Legisla-
24 ture (whichever has the authority to adopt the rec-
25 ommendation) shall submit a statement to the Over-

1 sight Board that provides notice as to whether the
2 territorial government will adopt the recommenda-
3 tions.

4 (2) IMPLEMENTATION PLAN REQUIRED FOR
5 ADOPTED RECOMMENDATIONS.—If the Governor or
6 the Legislature (whichever is applicable) notifies the
7 Oversight Board under paragraph (1) that the terri-
8 torial government will adopt a recommendation sub-
9 mitted under subsection (a), the Governor or the
10 Legislature (whichever is applicable) shall include in
11 the statement a written plan to implement the rec-
12 ommendation that includes—

13 (A) specific performance measures to de-
14 termine the extent to which the territorial gov-
15 ernment has adopted the recommendation; and

16 (B) a clear and specific timetable pursuant
17 to which the territorial government will imple-
18 ment the recommendation.

19 (3) EXPLANATIONS REQUIRED FOR REC-
20 OMMENDATIONS NOT ADOPTED.—If the Governor or
21 the Legislature (whichever is applicable) notifies the
22 Oversight Board under paragraph (1) that the terri-
23 torial government will not adopt any recommenda-
24 tion submitted under subsection (a) that the terri-
25 torial government has authority to adopt, the Gov-

1 ernor or the Legislature shall include in the state-
2 ment explanations for the rejection of the rec-
3 ommendations, and the Governor or the Legislature
4 shall submit the statement of explanations to the
5 President and Congress.

6 **§ 80506. Oversight board duties related to restruc-**
7 **turing**

8 (a) REQUIREMENTS FOR RESTRUCTURING CERTIFI-
9 CATION.—The Oversight Board, prior to issuing a restruc-
10 turing certification regarding an entity (as the term is de-
11 fined in section 101 of title 11), shall determine, in its
12 sole discretion, that—

13 (1) the entity has made good-faith efforts to
14 reach a consensual restructuring with creditors;

15 (2) the entity has—

16 (A) adopted procedures necessary to de-
17 liver timely audited financial statements; and

18 (B) made public draft financial statements
19 and other information sufficient for any inter-
20 ested person to make an informed decision with
21 respect to a possible restructuring;

22 (3) the entity is either a covered territory that
23 has adopted a Fiscal Plan certified by the Oversight
24 Board, a covered territorial instrumentality that is
25 subject to a Territory Fiscal Plan certified by the

1 Oversight Board, or a covered territorial instrumen-
2 tality that has adopted an Instrumentality Fiscal
3 Plan certified by the Oversight Board; and

4 (4)(A) no order approving a Qualifying Modi-
5 fication under section 80902 of this title has been
6 entered with respect to the entity; or

7 (B) if an order approving a Qualifying Modi-
8 fication has been entered with respect to the entity,
9 the entity is unable to make its debt payments not-
10 withstanding the approved Qualifying Modification,
11 in which case, all claims affected by the Qualifying
12 Modification shall be subject to a case under chapter
13 807 of this title.

14 (b) ISSUANCE OF RESTRUCTURING CERTIFI-
15 CATION.—The issuance of a restructuring certification
16 under this section requires a vote of no fewer than 5 mem-
17 bers of the Oversight Board in the affirmative, which shall
18 satisfy the requirement set forth in section 80702(2) of
19 this title.

20 **§ 80507. Authority related to debt issuance**

21 For so long as the Oversight Board remains in oper-
22 ation, no territorial government may, without the prior ap-
23 proval of the Oversight Board, issue debt or guarantee,
24 exchange, modify, repurchase, redeem, or enter into simi-
25 lar transactions with respect to its debt.

1 **§ 80508. Required reports**

2 (a) ANNUAL REPORT.—Not later than 30 days after
3 the last day of each fiscal year, the Oversight Board shall
4 submit a report to the President, Congress, the Governor
5 and the Legislature, describing—

6 (1) the progress made by the territorial govern-
7 ment in meeting the objectives of this division dur-
8 ing the fiscal year;

9 (2) the assistance provided by the Oversight
10 Board to the territorial government in meeting the
11 purposes of this division during the fiscal year;

12 (3) recommendations to the President and Con-
13 gress on changes to this division or other Federal
14 laws, or other actions of the Federal Government,
15 that would assist the territorial government in com-
16 plying with any certified Fiscal Plan;

17 (4) the precise manner in which funds allocated
18 to the Oversight Board under section 80307 of this
19 title and, as applicable, section 80304(e) of this title
20 have been spent by the Oversight Board during the
21 fiscal year; and

22 (5) any other activities of the Oversight Board
23 during the fiscal year.

24 (b) REPORT ON DISCRETIONARY TAX ABATEMENT
25 AGREEMENTS.—Within 6 months of the establishment of
26 the Oversight Board, the Governor shall submit a report

1 to the Oversight Board documenting all existing discre-
2 tionary tax abatement or similar tax relief agreements to
3 which the territorial government, or any territorial instru-
4 mentality, is a party, provided that—

5 (1) nothing in this division shall be interpreted
6 to limit the power of the territorial government or
7 any territorial instrumentality to execute or modify
8 discretionary tax abatement or similar tax relief
9 agreements, or to enforce compliance with the terms
10 and conditions of any discretionary tax abatement or
11 similar tax relief agreement, to which the territorial
12 government or any territorial instrumentality is a
13 party; and

14 (2) the members and staff of the Oversight
15 Board shall not disclose the contents of the report
16 described in this subsection, and shall otherwise
17 comply with all applicable territorial and Federal
18 laws and regulations regarding the handling of con-
19 fidential taxpayer information.

20 (c) QUARTERLY REPORTS OF CASH FLOW.—The
21 Oversight Board, when feasible, shall report on the
22 amount of cash flow available for the payment of debt
23 service on all notes, bonds, debentures, credit agreements,
24 or other instruments for money borrowed whose enforce-
25 ment is subject to a stay or moratorium hereunder, to-

1 gether with any variance from the amount set forth in the
2 debt sustainability analysis of the Fiscal Plan under sec-
3 tion 80501(b)(1)(I) of this title.

4 **§ 80509. Termination of Oversight Board**

5 An Oversight Board shall terminate on certification
6 by the Oversight Board that—

7 (1) the applicable territorial government has
8 adequate access to short-term and long-term credit
9 markets at reasonable interest rates to meet the bor-
10 rowing needs of the territorial government; and

11 (2) for at least 4 consecutive fiscal years—

12 (A) the territorial government has devel-
13 oped its Budgets in accordance with modified
14 accrual accounting standards; and

15 (B) the expenditures made by the terri-
16 torial government during each fiscal year did
17 not exceed the revenues of the territorial gov-
18 ernment during that year, as determined in ac-
19 cordance with modified accrual accounting
20 standards.

21 **§ 80510. No full faith and credit of the United States**

22 (a) IN GENERAL.—The full faith and credit of the
23 United States is not pledged for the payment of any prin-
24 cipal of or interest on any bond, note, or other obligation
25 issued by a covered territory or covered territorial instru-

1 mentality. The United States is not responsible or liable
2 for the payment of any principal of or interest on any
3 bond, note, or other obligation issued by a covered terri-
4 tory or covered territorial instrumentality.

5 (b) SUBJECT TO APPROPRIATIONS.—Any claim to
6 which the United States is determined to be liable under
7 this division shall be subject to appropriations.

8 (c) FUNDING.—Federal funds shall not be authorized
9 by this division for the payment of any liability of the ter-
10 ritory or territorial instrumentality.

11 **§ 80511. Analysis of pensions**

12 (a) DETERMINATION.—If the Oversight Board deter-
13 mines, in its sole discretion, that a pension system of the
14 territorial government is materially underfunded, the
15 Oversight Board shall conduct an analysis prepared by an
16 independent actuary of the pension system to assist the
17 Oversight Board in evaluating the fiscal and economic im-
18 pact of the pension cash flows.

19 (b) PROVISIONS OF ANALYSIS.—An analysis con-
20 ducted under subsection (a) shall include—

21 (1) an actuarial study of the pension liabilities
22 and funding strategy that includes a forward looking
23 projection of payments of at least 30 years of benefit
24 payments and funding strategy to cover the pay-
25 ments;

- 1 (2) sources of funding to cover the payments;
- 2 (3) a review of the existing benefits and their
- 3 sustainability; and
- 4 (4) a review of the system's legal structure and
- 5 operational arrangements, and any other studies of
- 6 the pension system the Oversight Board shall con-
- 7 sider necessary.

8 (c) SUPPLEMENTARY INFORMATION.—In any case,

9 the analysis conducted under subsection (a) shall include

10 information regarding the fair market value and liabilities

11 using an appropriate discount rate as determined by the

12 Oversight Board.

13 **§ 80512. Intervention in litigation**

14 (a) INTERVENTION.—The Oversight Board may in-

15 tervene in any litigation filed against the territorial gov-

16 ernment.

17 (b) INJUNCTIVE RELIEF.—

18 (1) IN GENERAL.—If the Oversight Board in-

19 tervenes in a litigation under subsection (a), the

20 Oversight Board may seek injunctive relief, including

21 a stay of litigation.

22 (2) NO INDEPENDENT BASIS FOR RELIEF.—

23 This section does not create an independent basis on

24 which injunctive relief, including a stay of litigation,

25 may be granted.

1 **Chapter 807—Adjustment of Debts**

Sec.

- 80701. Applicability of other laws; definitions.
- 80702. Who may be a debtor.
- 80703. Reservation of territorial power.
- 80704. Petition and proceedings relating to petition.
- 80705. Limitation on jurisdiction and powers of court.
- 80706. Jurisdiction.
- 80707. Venue.
- 80708. Selection of presiding judge.
- 80709. Abstention.
- 80710. Applicable rules of procedure.
- 80711. Leases.
- 80712. Filing of plan of adjustment.
- 80713. Modification of plan.
- 80714. Confirmation.
- 80715. Role and capacity of Oversight Board.
- 80716. Compensation of professionals.
- 80717. Interim compensation.

2 **§ 80701. Applicability of other laws; definitions**

3 (a) SECTIONS APPLICABLE TO CASES UNDER THIS
 4 CHAPTER.—Sections 101 (except as otherwise provided in
 5 this section), 102, 104, 105, 106, 107, 108, 112, 333,
 6 344, 347(b), 349, 350(b), 351, 361, 362, 364(e), 364(d),
 7 364(e), 364(f), 365, 366, 501, 502, 503, 504, 506,
 8 507(a)(2), 509, 510, 524(a)(1), 524(a)(2), 544, 545, 546,
 9 547, 548, 549(a), 549(c), 549(d), 550, 551, 552, 553,
 10 555, 556, 557, 559, 560, 561, 562, 902 (except as other-
 11 wise provided in this section), 922, 923, 924, 925, 926,
 12 927, 928, 942, 944, 945, 946, 1102, 1103, 1109, 1111(b),
 13 1122, 1123(a)(1), 1123(a)(2), 1123(a)(3), 1123(a)(4),
 14 1123(a)(5), 1123(b), 1123(d), 1124, 1125, 1126(a),
 15 1126(b), 1126(c), 1126(e), 1126(f), 1126(g), 1127(d),
 16 1128, 1129(a)(2), 1129(a)(3), 1129(a)(6), 1129(a)(8),

1 1129(a)(10), 1129(b)(1), 1129(b)(2)(A), 1129(b)(2)(B),
2 1142(b), 1143, 1144, 1145, and 1146(a) of title 11 apply
3 in a case under this chapter. Section 930 of title 11 ap-
4 plies in a case under this chapter, except that section 930
5 of title 11 shall not apply in any case during the 1st 120
6 days after the date on which the case is commenced under
7 this chapter.

8 (b) MEANINGS OF TERMS.—A term used in a section
9 of title 11, made applicable in a case under this chapter
10 by subsection (a), has the meaning given to the term for
11 the purpose of the applicable section, unless the term is
12 otherwise defined in this chapter.

13 (c) DEFINITIONS.—In this chapter:

14 (1) AFFILIATE.—The term “affiliate” means, in
15 addition to the definition made applicable in a case
16 under this chapter by subsection (a)—

17 (A) for a territory, any territorial instru-
18 mentality; and

19 (B) for a territorial instrumentality, the
20 governing territory and any of the other terri-
21 torial instrumentalities of the territory.

22 (2) DEBTOR.—The term “debtor” means the
23 territory or covered territorial instrumentality con-
24 cerning which a case under this chapter has been
25 commenced.

1 (3) HOLDER OF A CLAIM OR INTEREST.—The
2 term “holder of a claim or interest”, when used in
3 section 1126 of title 11, made applicable in a case
4 under this chapter by subsection (a)—

5 (A) shall exclude any Issuer or Authorized
6 Territorial Instrumentality of the Territory
7 Government Issuer (as defined under chapter
8 807 of this title) or a corporation, trust, or
9 other legal entity that is controlled by the
10 Issuer or an Authorized Territorial Instrumen-
11 tality of the Territory Government Issuer, pro-
12 vided that the beneficiaries of the claims, to the
13 extent they are not referenced in this subpara-
14 graph, shall not be excluded, and that, for each
15 excluded trust or other legal entity, the court
16 shall, upon the request of any participant or
17 beneficiary of the trust or entity, at any time
18 after the commencement of the case, order the
19 appointment of a separate committee of credi-
20 tors pursuant to section 1102(a)(2) of title 11;
21 and

22 (B) with reference to Insured Bonds, shall
23 mean the monoline insurer insuring the Insured
24 Bond to the extent the insurer is granted the
25 right to vote Insured Bonds for purposes of di-

1 recting remedies or consenting to proposed
2 amendments or modifications as provided in the
3 applicable documents pursuant to which the In-
4 sured Bond was issued and insured.

5 (4) INSURED BOND.—The term “Insured
6 Bond” means a bond subject to a financial guar-
7 antee or similar insurance contract, policy, or surety
8 issued by a monoline insurer.

9 (5) PROPERTY OF THE ESTATE.—The term
10 “property of the estate”, when used in a section of
11 title 11 made applicable in a case under this chapter
12 by subsection (a), means property of the debtor.

13 (6) STATE.—The term “State”, when used in a
14 section of title 11 made applicable in a case under
15 this chapter by subsection (a), means a State or ter-
16 ritory when used in reference to the relationship of
17 a State to the municipality of the State or the terri-
18 torial instrumentality of a territory, as applicable.

19 (7) TRUSTEE.—The term “trustee”, when used
20 in a section of title 11 made applicable in a case
21 under this chapter by subsection (a), means the
22 Oversight Board, except as provided in section 926
23 of title 11. The term “trustee” as described in this
24 paragraph does not mean the U.S. Trustee, an offi-
25 cial of the United States Trustee Program, which is

1 a component of the United States Department of
2 Justice.

3 (d) REFERENCE TO CHAPTER.—Solely for purposes
4 of this chapter, a reference to “this title”, “this chapter”,
5 or words of similar import in a section of title 11 made
6 applicable in a case under this chapter by subsection (a),
7 or to “this title”, “title 11”, “Chapter 9”, “Chapter 11”,
8 “the Code”, or words of similar import in the Federal
9 Rules of Bankruptcy Procedure made applicable in a case
10 under this chapter, shall be deemed to be a reference to
11 this chapter.

12 (e) SUBSTANTIALLY SIMILAR.—In determining
13 whether claims are “substantially similar” for the purpose
14 of section 1122 of title 11, made applicable in a case under
15 this chapter by subsection (a), the Oversight Board shall
16 consider whether the claims are secured and whether the
17 claims have priority over other claims.

18 (f) OPERATIVE CLAUSES.—A section made applicable
19 in a case under this chapter by subsection (a) that is oper-
20 ative if the business of the debtor is authorized to be oper-
21 ated is operative in a case under this chapter.

22 **§ 80702. Who may be a debtor**

23 An entity may be a debtor under this chapter if—

24 (1) the entity is—

1 (A) a territory that has requested the es-
2 tablishment of an Oversight Board or has had
3 an Oversight Board established for it by Con-
4 gress in accordance with section 80301 of this
5 title; or

6 (B) a covered territorial instrumentality of
7 a territory described in paragraph (1)(A);

8 (2) the Oversight Board has issued a certifi-
9 cation under section 80506(b) of this title for the
10 entity; and

11 (3) the entity desires to effect a plan to adjust
12 its debts.

13 **§ 80703. Reservation of territorial power**

14 Subject to the limitations set forth in chapters 803
15 and 805 of this title, this chapter does not limit or impair
16 the power of a covered territory to control, by legislation
17 or otherwise, the territory or any territorial instrumen-
18 tality thereof in the exercise of the political or govern-
19 mental powers of the territory or territorial instrumen-
20 tality, including expenditures for the exercise, but whether
21 or not a case has been or can be commenced under this
22 chapter—

23 (1) a territory law prescribing a method of com-
24 position of indebtedness or a moratorium law, but
25 solely to the extent that it prohibits the payment of

1 principal or interest by an entity not described in
2 section 109(b)(2) of title 11, may not bind any cred-
3 itor of a covered territory or any covered territorial
4 instrumentality thereof that does not consent to the
5 composition or moratorium;

6 (2) a judgment entered under a law described
7 in paragraph (1) may not bind a creditor that does
8 not consent to the composition; and

9 (3) unlawful executive orders that alter, amend,
10 or modify rights of holders of any debt of the terri-
11 tory or territorial instrumentality, or that divert
12 funds from 1 territorial instrumentality to another
13 or to the territory, shall be preempted by this divi-
14 sion.

15 **§ 80704. Petition and proceedings relating to petition**

16 (a) COMMENCEMENT OF CASE.—A voluntary case
17 under this chapter is commenced by the filing with the
18 district court of a petition by the Oversight Board pursu-
19 ant to the determination under section 80506 of this title.

20 (b) OBJECTION TO PETITION.—After any objection
21 to the petition, the court, after notice and a hearing, may
22 dismiss the petition if the petition does not meet the re-
23 quirements of this chapter. This subsection shall not apply
24 in any case during the first 120 days after the date on
25 which the case is commenced under this chapter.

1 (c) ORDER FOR RELIEF.—The commencement of a
2 case under this chapter constitutes an order for relief.

3 (d) APPEAL.—The court may not, on account of an
4 appeal from an order for relief, delay any proceeding
5 under this chapter in the case in which the appeal is being
6 taken, nor shall any court order a stay of the proceeding
7 pending the appeal.

8 (e) VALIDITY OF DEBT.—The reversal on appeal of
9 a finding of jurisdiction shall not affect the validity of any
10 debt incurred that is authorized by the court under sub-
11 section (c) or (d) of section 364 of title 11.

12 (f) JOINT FILING OF PETITIONS AND PLANS PER-
13 MITTED.—The Oversight Board, on behalf of debtors
14 under this chapter, may file petitions or submit or modify
15 plans of adjustment jointly if the debtors are affiliates.
16 Nothing in this chapter shall be construed as authorizing
17 substantive consolidation of the cases of affiliated debtors.

18 (g) JOINT ADMINISTRATION OF AFFILIATED
19 CASES.—If the Oversight Board, on behalf of a debtor and
20 1 or more affiliates, has filed separate cases and the Over-
21 sight Board, on behalf of the debtor or 1 of the affiliates,
22 files a motion to administer the cases jointly, the court
23 may order a joint administration of the cases.

24 (h) PUBLIC SAFETY.—This division may not be con-
25 strued to permit the discharge of obligations arising under

1 Federal police or regulatory laws, including laws relating
2 to the environment, public health or safety, or territorial
3 laws implementing those Federal legal provisions. This in-
4 cludes compliance obligations, requirements under consent
5 decrees or judicial orders, and obligations to pay associ-
6 ated administrative, civil, or other penalties.

7 (i) VOTING ON DEBT ADJUSTMENT PLANS NOT
8 STAYED.—Notwithstanding any provision of this chapter
9 to the contrary, including sections of title 11 incorporated
10 by reference, this section shall not prevent the holder of
11 a claim from voting on or consenting to a proposed modi-
12 fication of the claim under chapter 809 of this title.

13 **§ 80705. Limitation on jurisdiction and powers of**
14 **court**

15 Subject to the limitations set forth in chapters 803
16 and 805 of this title, notwithstanding any power of the
17 court, unless the Oversight Board consents or the plan
18 provides, the court may not, by any stay, order, or decree,
19 in the case or otherwise, interfere with—

20 (1) any of the political or governmental powers
21 of the debtor;

22 (2) any of the property or revenues of the debt-
23 or; or

24 (3) the use or enjoyment by the debtor of any
25 income-producing property.

1 **§ 80706. Jurisdiction**

2 (a) FEDERAL SUBJECT MATTER JURISDICTION.—

3 The district courts shall have—

4 (1) except as provided in paragraph (2), origi-
5 nal and exclusive jurisdiction of all cases under this
6 chapter; and

7 (2) except as provided in subsection (b), and
8 notwithstanding any Act of Congress that confers
9 exclusive jurisdiction on a court or courts other than
10 the district courts, original but not exclusive juris-
11 diction of all civil proceedings arising under this
12 chapter, or arising in or related to cases under this
13 chapter.

14 (b) PROPERTY JURISDICTION.—The district court in
15 which a case under this chapter is commenced or is pend-
16 ing shall have exclusive jurisdiction of all property, wher-
17 ever located, of the debtor as of the commencement of the
18 case.

19 (c) PERSONAL JURISDICTION.—The district court in
20 which a case under this chapter is pending shall have per-
21 sonal jurisdiction over any person or entity.

22 (d) REMOVAL, REMAND, AND TRANSFER.—

23 (1) REMOVAL.—A party may remove any claim
24 or cause of action in a civil action, other than a pro-
25 ceeding before the United States Tax Court or a
26 civil action by a governmental unit to enforce the po-

1 lice or regulatory power of the governmental unit, to
2 the district court for the district in which the civil
3 action is pending, if the district court has jurisdic-
4 tion of the claim or cause of action under this sec-
5 tion.

6 (2) REMAND.—The district court to which the
7 claim or cause of action is removed under paragraph
8 (1) may remand the claim or cause of action on any
9 equitable ground. An order entered under this sub-
10 section remanding a claim or cause of action, or a
11 decision not to remand, is not reviewable by appeal
12 or otherwise by the court of appeals under section
13 158(d), 1291, or 1292 of title 28 or by the Supreme
14 Court of the United States under section 1254 of
15 title 28.

16 (3) TRANSFER.—A district court shall transfer
17 any civil proceeding arising under this chapter, or
18 arising in or related to a case under this chapter, to
19 the district court in which the case under this chap-
20 ter is pending.

21 (e) APPEAL.—

22 (1) IN GENERAL.—An appeal shall be taken in
23 the same manner as appeals in civil proceedings gen-
24 erally are taken to the courts of appeals from the
25 district court.

1 (2) JURISDICTION.—The court of appeals for
2 the circuit in which a case under this chapter has
3 venue pursuant to section 80707 of this title shall
4 have jurisdiction of appeals from all final decisions,
5 judgments, orders and decrees entered under this
6 chapter by the district court.

7 (3) INTERLOCUTORY ORDER OR DECREE.—The
8 court of appeals for the circuit in which a case under
9 this chapter has venue pursuant to section 80707 of
10 this title shall have jurisdiction to hear appeals of
11 interlocutory orders or decrees if—

12 (A) the district court on its own motion or
13 on the request of a party to the order or decree
14 certifies that—

15 (i) the order or decree involves a ques-
16 tion of law as to which there is no control-
17 ling decision of the court of appeals for the
18 circuit or of the Supreme Court of the
19 United States, or involves a matter of pub-
20 lic importance;

21 (ii) the order or decree involves a
22 question of law requiring the resolution of
23 conflicting decisions; or

24 (iii) an immediate appeal from the
25 order or decree may materially advance the

1 progress of the case or proceeding in which
2 the appeal is taken; and

3 (B) the court of appeals authorizes the di-
4 rect appeal of the order or decree.

5 (4) CERTIFICATION OF APPEAL.—If the district
6 court on its own motion or on the request of a party
7 determines that a circumstance specified in clauses
8 (i), (ii), or (iii) of paragraph (3)(A) exists, then the
9 district court shall make the certification described
10 in paragraph (3).

11 (5) PARTIES MAY SUPPLEMENT CERTIFI-
12 CATION.—The parties may supplement the certifi-
13 cation with a short statement of the basis for the
14 certification issued by the district court under para-
15 graph (3)(A).

16 (6) PROCEEDINGS NOT STAYED.—Except as
17 provided in section 80704(d) of this title, an appeal
18 of an interlocutory order or decree does not stay any
19 proceeding of the district court from which the ap-
20 peal is taken unless the district court, or the court
21 of appeals in which the appeal is pending, issues a
22 stay of the proceedings pending the appeal.

23 (7) REQUEST FOR CERTIFICATION.—A request
24 for a certification with respect to an interlocutory

1 appeal of an order or decree shall be made not later
2 than 60 days after the entry of the order or decree.

3 (f) REALLOCATION OF COURT STAFF.—Notwith-
4 standing any law to the contrary, the clerk of the court
5 in which a case is pending shall reallocate as many staff
6 and assistants as the clerk considers necessary to ensure
7 that the court has adequate resources to provide for prop-
8 er case management.

9 **§ 80707. Venue**

10 (a) IN GENERAL.—Venue shall be proper in—

11 (1) with respect to a territory, the district court
12 for the territory or, for any territory that does not
13 have a district court, the United States District
14 Court for the District of Hawaii; and

15 (2) with respect to a covered territorial instru-
16 mentality, the district court for the territory in
17 which the covered territorial instrumentality is lo-
18 cated or, for any territory that does not have a dis-
19 trict court, the United States District Court for the
20 District of Hawaii.

21 (b) ALTERNATIVE VENUE.—

22 (1) DETERMINATION.—If the Oversight Board
23 so determines in its sole discretion, then venue shall
24 be proper in the district court for the jurisdiction in

1 which the Oversight Board maintains an office that
2 is located outside the territory.

3 (2) CONSIDERATIONS.—With respect to para-
4 graph (1), the Oversight Board may consider,
5 among other things—

6 (A) the resources of the district court to
7 adjudicate a case or proceeding; and

8 (B) the impact on a witness who may be
9 called in a case or proceeding.

10 **§ 80708. Selection of presiding judge**

11 (a) DEBTOR IS TERRITORY.—For cases in which the
12 debtor is a territory, the Chief Justice of the United
13 States shall designate a district court judge to sit by des-
14 ignation to conduct the case.

15 (b) DEBTOR IS NOT TERRITORY.—For cases in
16 which the debtor is not a territory, and no motion for joint
17 administration of the debtor’s case with the case of its
18 affiliate territory has been filed or there is no case in
19 which the affiliate territory is a debtor, the chief judge
20 of the court of appeals for the circuit embracing the dis-
21 trict in which the case is commenced shall designate a dis-
22 trict court judge to conduct the case.

23 **§ 80709. Abstention**

24 Nothing in this chapter prevents a district court in
25 the interests of justice from abstaining from hearing a

1 particular proceeding arising in or related to a case under
2 this chapter.

3 **§ 80710. Applicable rules of procedure**

4 The Federal Rules of Bankruptcy Procedure (11
5 U.S.C. App.) shall apply to a case under this chapter and
6 to all civil proceedings arising in or related to cases under
7 this chapter.

8 **§ 80711. Leases**

9 A lease to a territory or territorial instrumentality
10 shall not be treated as an executory contract or unexpired
11 lease for the purposes of section 365 or 502(b)(6) of title
12 11 solely by reason of the lease being subject to termi-
13 nation in the event the debtor fails to appropriate rent.

14 **§ 80712. Filing of plan of adjustment**

15 (a) EXCLUSIVITY.—Only the Oversight Board, after
16 the issuance of a certificate pursuant to section 80304(j)
17 of this title, may file a plan of adjustment of the debts
18 of the debtor.

19 (b) DEADLINE FOR FILING PLAN.—If the Oversight
20 Board does not file a plan of adjustment with the petition,
21 the Oversight Board shall file a plan of adjustment at the
22 time set by the court.

23 **§ 80713. Modification of plan**

24 The Oversight Board, after the issuance of a certifi-
25 cation pursuant to section 80304(j) of this title, may mod-

1 ify the plan at any time before confirmation, but may not
2 modify the plan so that the plan as modified fails to meet
3 the requirements of this chapter. After the Oversight
4 Board files a modification, the plan as modified becomes
5 the plan.

6 **§ 80714. Confirmation**

7 (a) OBJECTION.—A special tax payer may object to
8 confirmation of a plan.

9 (b) CONFIRMATION.—The court shall confirm the
10 plan if—

11 (1) the plan complies with the provisions of title
12 11, made applicable to a case under this chapter by
13 section 80701 of this title;

14 (2) the plan complies with the provisions of this
15 chapter;

16 (3) the debtor is not prohibited by law from
17 taking any action necessary to carry out the plan;

18 (4) except to the extent that the holder of a
19 particular claim has agreed to a different treatment
20 of the claim, the plan provides that on the effective
21 date of the plan each holder of a claim of a kind
22 specified in section 507(a)(2) of title 11 will receive
23 on account of the claim cash equal to the allowed
24 amount of the claim;

1 (5) any legislative, regulatory, or electoral ap-
2 proval necessary under applicable law in order to
3 carry out any provision of the plan has been ob-
4 tained, or the provision is expressly conditioned on
5 that approval;

6 (6) the plan is feasible and in the best interests
7 of creditors, which shall require the court to consider
8 whether available remedies under the non-bank-
9 ruptcy laws and constitution of the territory would
10 result in a greater recovery for the creditors than is
11 provided by the plan; and

12 (7) the plan is consistent with the applicable
13 Fiscal Plan certified by the Oversight Board under
14 chapter 805 of this title.

15 (c) CONFIRMATION FOR DEBTORS WITH A SINGLE
16 CLASS OF CLAIMS.—If all of the requirements of sub-
17 section (b) and section 1129(a) of title 11, incorporated
18 into this chapter by sections 80701 of this title, other than
19 paragraphs (8) and (10) of section 1129(a) of title 11,
20 are met with respect to a plan—

21 (1) with respect to which all claims are substan-
22 tially similar under section 80701(e) of this title,

23 (2) that includes only one class of claims, which
24 claims are impaired claims, and

25 (3) that was not accepted by the impaired class,

1 the court shall confirm the plan notwithstanding the re-
2 quirements of those paragraphs, if the plan is fair and
3 equitable and does not discriminate unfairly with respect
4 to the impaired class.

5 **§ 80715. Role and capacity of Oversight Board**

6 (a) ACTIONS OF OVERSIGHT BOARD.—For the pur-
7 poses of this chapter, the Oversight Board may take any
8 action necessary on behalf of the debtor to prosecute the
9 case of the debtor, including—

10 (1) filing a petition under section 80704 of this
11 title;

12 (2) submitting or modifying a plan of adjust-
13 ment under sections 80712 and 80713 of this title;
14 or

15 (3) otherwise generally submitting filings in re-
16 lation to the case with the court.

17 (b) REPRESENTATIVE OF DEBTOR.—The Oversight
18 Board in a case under this chapter is the representative
19 of the debtor.

20 **§ 80716. Compensation of professionals**

21 (a) COMPENSATION AND REIMBURSEMENT.—After
22 notice to the parties in interest and the United States
23 Trustee and a hearing, the court may award to a profes-
24 sional person employed by the debtor (in the debtor's sole
25 discretion), the Oversight Board (in the Oversight Board's

1 sole discretion), a committee under section 1103 of title
2 11, or a trustee appointed by the court under section 926
3 of title 11—

4 (1) reasonable compensation for actual, nec-
5 essary services rendered by the professional person
6 or attorney and by any paraprofessional person em-
7 ployed by that person; and

8 (2) reimbursement for actual, necessary ex-
9 penses.

10 (b) PARTIAL COMPENSATION.—The court may, on its
11 own motion or on the motion of the United States Trustee
12 or any other party in interest, award compensation that
13 is less than the amount of compensation that is requested.

14 (c) FACTORS CONSIDERED.—In determining the
15 amount of reasonable compensation to be awarded to a
16 professional person, the court shall consider the nature,
17 the extent, and the value of the services, taking into ac-
18 count all relevant factors, including—

19 (1) the time spent on the services;

20 (2) the rates charged for the services;

21 (3) whether the services were necessary to the
22 administration of, or beneficial at the time at which
23 the service was rendered toward the completion of,
24 a case under this chapter;

1 (4) whether the services were performed within
2 a reasonable amount of time commensurate with the
3 complexity, importance, and nature of the problem,
4 issue, or task addressed;

5 (5) with respect to a professional person,
6 whether the person is board certified or otherwise
7 has demonstrated skill and experience in the restruc-
8 turing field; and

9 (6) whether the compensation is reasonable
10 based on the customary compensation charged by
11 comparably skilled practitioners in cases other than
12 cases under this chapter or title 11.

13 (d) SERVICES NOT ELIGIBLE FOR COMPENSATION.—

14 The court shall not allow compensation for—

15 (1) unnecessary duplication of services; or

16 (2) services that were not—

17 (A) reasonably likely to benefit the debtor;

18 or

19 (B) necessary to the administration of the

20 case.

21 (e) OFFSET FOR INTERIM COMPENSATION.—The

22 court shall reduce the amount of compensation awarded

23 under this section by the amount of any interim compensa-

24 tion awarded under section 80717 of this title, and, if the

25 amount of the interim compensation exceeds the amount

1 of compensation awarded under this section, may order
2 the return of the excess to the debtor.

3 (f) COMPENSATION FOR PREPARATION OF FEE AP-
4 PPLICATION.—Any compensation awarded for the prepara-
5 tion of a fee application shall be based on the level and
6 skill reasonably required to prepare the application.

7 **§ 80717. Interim compensation**

8 A debtor's attorney, or any professional person em-
9 ployed by the debtor (in the debtor's sole discretion), the
10 Oversight Board (in the Oversight Board's sole discre-
11 tion), a committee under section 1103 of title 11, or a
12 trustee appointed by the court under section 926 of title
13 11, may apply to the court not more than once every 120
14 days after an order for relief in a case under this chapter,
15 or more often if the court permits, for interim compensa-
16 tion for services rendered before the date of the applica-
17 tion or reimbursement for expenses incurred before that
18 date as is provided under section 80716 of this title.

19 **Chapter 809—Creditor Collective**
20 **Action**

Sec.
80901. Definitions.
80902. Collective action.
80903. Applicable law.

21 **§ 80901. Definitions**

22 In this chapter:

1 (1) ADMINISTRATIVE SUPERVISOR.—The term
2 “Administrative Supervisor” means the Oversight
3 Board established under section 80301 of this title.

4 (2) AUTHORIZED TERRITORIAL INSTRUMEN-
5 TALITY.—The term “Authorized Territorial Instru-
6 mentality” means a covered territorial instrumen-
7 tality authorized in accordance with section
8 80902(d) of this title.

9 (3) CALCULATION AGENT.—The term “calcula-
10 tion agent” means a calculation agent appointed in
11 accordance with section 80902(j) of this title.

12 (4) CAPITAL APPRECIATION BOND.—The term
13 “Capital Appreciation Bond” means a Bond that
14 does not pay interest on a current basis, but for
15 which interest amounts are added to principal over
16 time as specified in the relevant offering materials
17 for the Bond, including that the accreted interest
18 amount added to principal increases daily.

19 (5) CONVERTIBLE CAPITAL APPRECIATION
20 BOND.—The term “Convertible Capital Appreciation
21 Bond” means a Bond that does not pay interest on
22 a current basis, but for which interest amounts are
23 added to principal over time as specified in the rel-
24 evant offering materials and which converts to a cur-
25 rent pay bond on a future date.

1 (6) INFORMATION AGENT.—The term “Infor-
2 mation Agent” means an information agent ap-
3 pointed in accordance with section 80902(k) of this
4 title.

5 (7) INSURED BOND.—The term “Insured
6 Bond” means a Bond subject to a financial guar-
7 antee or similar insurance contract, policy or surety
8 issued by a monoline insurer.

9 (8) ISSUER.—The term “Issuer” means, as ap-
10 plicable, the Territory Government Issuer or an Au-
11 thorized Territorial Instrumentality that has issued
12 or guaranteed at least one Bond that is Out-
13 standing.

14 (9) MODIFICATION.—The term “Modification”
15 means any modification, amendment, supplement or
16 waiver affecting 1 or more series of Bonds, including
17 those effected by way of exchange, repurchase, con-
18 version, or substitution.

19 (10) OUTSTANDING.—The term “Outstanding”,
20 in the context of the principal amount of Bonds,
21 shall be determined in accordance with section
22 80902(a) of this title.

23 (11) OUTSTANDING PRINCIPAL.—The term
24 “Outstanding Principal” means—

1 (A) for a Bond that is not a Capital Ap-
2 preciation Bond or a Convertible Capital Appre-
3 ciation Bond, the outstanding principal amount
4 of the Bond; and

5 (B) for a Bond that is a Capital Apprecia-
6 tion Bond or a Convertible Capital Appreciation
7 Bond, the current accreted value of the Capital
8 Appreciation Bond or Convertible Capital Ap-
9 preciation Bond, as applicable.

10 (12) POOL.—The term “Pool” means a pool es-
11 tablished in accordance with section 80902(c) of this
12 title.

13 (13) QUALIFYING MODIFICATION.—The term
14 “Qualifying Modification” means a Modification pro-
15 posed in accordance with section 80902(f) of this
16 title.

17 (14) SECURED POOL.—The term “Secured
18 Pool” means a Pool established in accordance with
19 section 80902(c) of this title consisting only of
20 Bonds that are secured by a lien on property, pro-
21 vided that the inclusion of a Bond Claim in the Pool
22 shall not in any way limit or prejudice the right of
23 the Issuer, the Administrative Supervisor, or any
24 creditor to recharacterize or challenge the Bond
25 Claim, or any purported lien securing the Bond

1 Claim, in any other manner in any subsequent pro-
2 ceeding in the event a proposed Qualifying Modifica-
3 tion is not consummated.

4 (15) TERRITORY GOVERNMENT ISSUER.—The
5 term “Territory Government Issuer” means the gov-
6 ernment of Puerto Rico or a covered territory for
7 which an Oversight Board has been established pur-
8 suant to section 80301 of this title.

9 **§ 80902. Collective action**

10 (a) OUTSTANDING BONDS.—

11 (1) IN GENERAL.—In determining whether
12 holders of the requisite principal amount of Out-
13 standing Bonds have voted in favor of, or consented
14 to, a proposed Qualifying Modification, a Bond will
15 be deemed not to be outstanding, and may not be
16 counted in a vote or consent solicitation for or
17 against a proposed Qualifying Modification, if on the
18 record date for the proposed Qualifying Modifica-
19 tion—

20 (A) the Bond has previously been canceled
21 or delivered for cancellation or is held for
22 reissuance but has not been reissued;

23 (B) the Bond has previously been called
24 for redemption in accordance with its terms or
25 previously become due and payable at maturity

1 or otherwise and the Issuer has previously sat-
2 isfied its obligation to make, or provide for, all
3 payments due in respect of the Bond in accord-
4 ance with its terms;

5 (C) the Bond has been substituted with a
6 security of another series; or

7 (D) the Bond is held by the Issuer or by
8 an Authorized Territorial Instrumentality of the
9 Territory Government Issuer or by a corpora-
10 tion, trust or other legal entity that is con-
11 trolled by the Issuer or an Authorized Terri-
12 torial Instrumentality of the Territory Govern-
13 ment Issuer, as applicable.

14 (2) CONTROLLED BY ISSUER.—For purposes of
15 this subsection, a corporation, trust or other legal
16 entity is controlled by the Issuer or by an Author-
17 ized Territorial Instrumentality of the Territory
18 Government Issuer if the Issuer or an Authorized
19 Territorial Instrumentality of the Territory Govern-
20 ment Issuer, as applicable, has the power, directly or
21 indirectly, through the ownership of voting securities
22 or other ownership interests, by contract or other-
23 wise, to direct the management of or elect or appoint
24 a majority of the board of directors or other persons

1 performing similar functions in lieu of, or in addi-
2 tion to, the board of directors of that legal entity.

3 (b) CERTIFICATION OF DISENFRANCHISED
4 BONDS.—Prior to any vote on, or consent solicitation for,
5 a Qualifying Modification, the Issuer shall deliver to the
6 Calculation Agent a certificate signed by an authorized
7 representative of the Issuer specifying any Bonds that are
8 deemed not to be Outstanding for the purpose of sub-
9 section (a).

10 (c) DETERMINATION OF POOLS FOR VOTING.—The
11 Administrative Supervisor, in consultation with the Issuer,
12 shall establish Pools in accordance with the following:

13 (1) Not less than 1 Pool shall be established for
14 each Issuer.

15 (2) A Pool that contains 1 or more Bonds that
16 are secured by a lien on property shall be a Secured
17 Pool.

18 (3) The Administrative Supervisor shall estab-
19 lish Pools according to the following principles:

20 (A) For each Issuer that has issued mul-
21 tiple Bonds that are distinguished by specific
22 provisions governing priority or security ar-
23 rangements, including Bonds that have been
24 issued as general obligations of the Territory
25 Government Issuer to which the Territory Gov-

1 ernment Issuer pledged the full or good faith,
2 credit, and taxing power of the Territory Gov-
3 ernment Issuer, separate Pools shall be estab-
4 lished corresponding to the relative priority or
5 security arrangements of each holder of Bonds
6 against each Issuer, as applicable, provided,
7 however, that the term “priority” as used in
8 this section shall not be understood to mean
9 differing payment or maturity dates.

10 (B) For each Issuer that has issued senior
11 and subordinated Bonds, separate Pools shall
12 be established for the senior and subordinated
13 Bonds corresponding to the relative priority or
14 security arrangements.

15 (C) For each Issuer that has issued mul-
16 tiple Bonds, for at least some of which a guar-
17 antee of repayment has been provided by the
18 Territory Government Issuer, separate Pools
19 shall be established for the guaranteed and non-
20 guaranteed Bonds.

21 (D) Subject to the other requirements con-
22 tained in this section, for each Issuer that has
23 issued multiple Bonds, for at least some of
24 which a dedicated revenue stream has been

1 pledged for repayment, separate Pools for the
2 Issuer shall be established as follows:

3 (i) For each dedicated revenue stream
4 that has been pledged for repayment, not
5 less than 1 Secured Pool for Bonds for
6 which the revenue stream has been
7 pledged, and separate Secured Pools shall
8 be established for Bonds of different pri-
9 ority.

10 (ii) Not less than 1 Pool for all other
11 Bonds issued by the Issuer for which a
12 dedicated revenue stream has not been
13 pledged for repayment.

14 (E) The Administrative Supervisor shall
15 not place into separate Pools Bonds of the same
16 Issuer that have identical rights in security or
17 priority.

18 (4) Notwithstanding the preceding provisions of
19 this subsection, solely with respect to a preexisting
20 voluntary agreement as described in section
21 80304(i)(3) of this title, the voluntary agreement
22 may classify Insured Bonds and uninsured bonds in
23 different Pools and provide different treatment
24 thereof so long as the preexisting voluntary agree-
25 ment has been agreed to by—

1 (A) holders of a majority in amount of all
2 uninsured bonds outstanding in the modified
3 Pool; and

4 (B) holders (including insurers with power
5 to vote) of a majority in amount of all Insured
6 Bonds.

7 (d) AUTHORIZATION OF TERRITORY INSTRUMENTAL-
8 ITIES.—A covered territorial instrumentality is an Author-
9 ized Territorial Instrumentality if it has been specifically
10 authorized to be eligible to avail itself of the procedures
11 under this section by the Administrative Supervisor.

12 (e) INFORMATION DELIVERY REQUIREMENT.—Be-
13 fore solicitation of acceptance or rejection of a Modifica-
14 tion under subsection (g), the Issuer shall provide to the
15 Calculation Agent, the Information Agent, and the Admin-
16 istrative Supervisor, the following information:

17 (1) A description of the Issuer's economic and
18 financial circumstances that are, in the Issuer's
19 opinion, relevant to the request for the proposed
20 Qualifying Modification, a description of the Issuer's
21 existing debts, and a description of the impact of the
22 proposed Qualifying Modification on the territory's
23 or its territorial instrumentalities' public debt.

24 (2) If the Issuer is seeking Modifications affect-
25 ing any other Pools of Bonds of the Territory Gov-

1 ernment Issuer or its Authorized Territorial Instru-
2 mentalities, a description of the other Modifications.

3 (3) If a Fiscal Plan with respect to the Issuer
4 has been certified, the applicable Fiscal Plan cer-
5 tified in accordance with section 80501 of this title.

6 (4) Such other information as may be required
7 under applicable securities laws.

8 (f) QUALIFYING MODIFICATION.—A Modification is
9 a Qualifying Modification if 1 of the following processes
10 has occurred:

11 (1) CONSULTATION PROCESS.—The consulta-
12 tion process occurs when—

13 (A) the Issuer proposing the Modification
14 has consulted with holders of Bonds in each
15 Pool of the Issuer prior to soliciting a vote on
16 the Modification;

17 (B) each exchanging, repurchasing, con-
18 verting, or substituting holder of Bonds of any
19 series in a Pool affected by that Modification is
20 offered the same amount of consideration per
21 amount of principal, the same amount of con-
22 sideration per amount of interest accrued but
23 unpaid, and the same amount of consideration
24 per amount of past due interest, respectively, as
25 that offered to each other exchanging, repur-

1 chasing, converting, or substituting holder of
2 Bonds of any series in a Pool affected by that
3 Modification (or, where a menu of instruments
4 or other consideration is offered, each exchanging,
5 repurchasing, converting, or substituting
6 holder of Bonds of any series in a Pool affected
7 by that Modification is offered the same
8 amount of consideration per amount of prin-
9 cipal, the same amount of consideration per
10 amount of interest accrued but unpaid, and the
11 same amount of consideration per amount of
12 past due interest, respectively, as that offered
13 to each other exchanging, repurchasing, con-
14 verting, or substituting holder of Bonds of any
15 series in a Pool affected by that Modification
16 electing the same option under the menu of in-
17 struments); and

18 (C) the Modification is certified by the Ad-
19 ministrative Supervisor as being consistent with
20 the requirements set forth in section
21 80304(i)(1) of this title and is in the best inter-
22 ests of the creditors and is feasible.

23 (2) VOLUNTARY AGREEMENT PROCESS.—The
24 voluntary agreement process occurs when the Ad-

1 ministrative Supervisor has issued a certification
2 that—

3 (A) the requirements set forth in section
4 80304(i)(2) of this title and paragraph (1)(B)
5 have been satisfied; or

6 (B) the Modification is consistent with a
7 restructuring support or similar agreement to
8 be implemented pursuant to the law of the cov-
9 ered territory executed by the Issuer prior to
10 the establishment of an Oversight Board for the
11 relevant territory.

12 (g) SOLICITATION.—

13 (1) SUBMISSION OF INFORMATION.—On receipt
14 of a certification from the Administrative Supervisor
15 under subsection (f), the Information Agent shall, if
16 practical and except as provided in paragraph (2),
17 submit to the holders of any Outstanding Bonds of
18 the relevant Issuer, including holders of the right to
19 vote the Outstanding Bonds, the information sub-
20 mitted by the relevant Issuer under subsection (e)(1)
21 in order to solicit the vote of the holders to approve
22 or reject the Qualifying Modification.

23 (2) ALTERNATE SUBMISSION.—If the Informa-
24 tion Agent is unable to identify the address of hold-
25 ers of Outstanding Bonds of the relevant Issuer, the

1 Information Agent may solicit the vote or consent of
2 the holders by—

3 (A) delivering the solicitation to the paying
4 agent for the Issuer or Depository Trust Cor-
5 poration if it serves as the clearing system for
6 any of the Issuer's Outstanding Bonds; or

7 (B) delivering or publishing the solicitation
8 by whatever additional means the Information
9 Agent, after consultation with the Issuer, con-
10 siders necessary and appropriate in order to
11 make a reasonable effort to inform holders of
12 any Outstanding Bonds of the Issuer, which
13 may include notice by mail, publication in elec-
14 tronic media, publication on a website of the
15 Issuer, or publication in newspapers of national
16 circulation in the United States and in a news-
17 paper of general circulation in the territory.

18 (h) WHO MAY PROPOSE A MODIFICATION.—For each
19 Issuer, a Modification may be proposed to the Administra-
20 tive Supervisor by the Issuer or by 1 or more holders of
21 the right to vote the Issuer's Outstanding Bonds. To the
22 extent a Modification proposed by 1 or more holders of
23 the right to vote Outstanding Bonds otherwise complies
24 with the requirements of this chapter, the Administrative
25 Supervisor may accept the Modification on behalf of the

1 Issuer, in which case the Administrative Supervisor will
2 instruct the Issuer to provide the information required in
3 subsection (e).

4 (i) VOTING.—For each Issuer, any Qualifying Modi-
5 fication may be made with the affirmative vote of the hold-
6 ers of the right to vote at least $\frac{2}{3}$ of the Outstanding
7 Principal amount of the Outstanding Bonds in each Pool
8 that have voted to approve or reject the Qualifying Modi-
9 fication, provided that holders of the right to vote not less
10 than a majority of the aggregate Outstanding Principal
11 amount of all the Outstanding Bonds in each Pool have
12 voted to approve the Qualifying Modification. The holder
13 of the right to vote the Outstanding Bonds that are In-
14 sured Bonds shall be the monoline insurer insuring the
15 Insured Bond to the extent the insurer is granted the right
16 to vote Insured Bonds for purposes of directing remedies
17 or consenting to proposed amendments or modifications
18 as provided in the applicable documents pursuant to which
19 the Insured Bond was issued and insured.

20 (j) CALCULATION AGENT.—For the purpose of calcu-
21 lating the principal amount of the Bonds of any series eli-
22 gible to participate in a vote or consent solicitation and
23 tabulating the votes or consents, the Territory Govern-
24 ment Issuer may appoint a Calculation Agent for each

1 Pool reasonably acceptable to the Administrative Super-
2 visor.

3 (k) INFORMATION AGENT.—For the purpose of ad-
4 ministering a vote of holders of Bonds, including the hold-
5 ers of the right to vote the Bonds, or seeking the consent
6 of holders of Bonds, including the holders of the right to
7 vote the Bonds, to a written action under this section, the
8 Territory Government Issuer may appoint an Information
9 Agent for each Pool reasonably acceptable to the Adminis-
10 trative Supervisor.

11 (l) BINDING EFFECT.—

12 (1) EFFECT ON BOND HOLDERS.—A Qualifying
13 Modification will be conclusive and binding on all
14 holders of Bonds whether or not they have given
15 consent, and on all future holders of those Bonds
16 whether or not notation of the Qualifying Modifica-
17 tion is made on the Bonds, if—

18 (A) the holders of the right to vote the
19 Outstanding Bonds in every Pool of the Issuer
20 pursuant to subsection (i) have consented to or
21 approved the Qualifying Modification;

22 (B) the Administrative Supervisor certifies
23 that—

24 (i) the voting requirements of this sec-
25 tion have been satisfied;

1 (ii) the Qualifying Modification com-
2 plies with the requirements set forth in
3 section 80304(i)(1) of this title; and

4 (iii) except for those conditions that
5 have been identified in the Qualifying
6 Modification as being non-waivable, any
7 conditions on the effectiveness of the
8 Qualifying Modification have been satisfied
9 or, in the Administrative Supervisor's sole
10 discretion, satisfaction of the conditions
11 has been waived;

12 (C) with respect to a Bond Claim that is
13 secured by a lien on property and with respect
14 to which the holder of the Bond Claim has re-
15 jected or not consented to the Qualifying Modi-
16 fication, the holder of the Bond—

17 (i) retains the lien securing the Bond
18 Claims; or

19 (ii) receives on account of the Bond
20 Claim, through deferred cash payments,
21 substitute collateral, or otherwise, at least
22 the equivalent value of the lesser of the
23 amount of the Bond Claim or of the collat-
24 eral securing the Bond Claim; and

1 (D) the district court for the territory or,
2 for any territory that does not have a district
3 court, the United States District Court for the
4 District of Hawaii, has, after reviewing an ap-
5 plication submitted to it by the applicable
6 Issuer for an order approving the Qualifying
7 Modification, entered an order that the require-
8 ments of this section have been satisfied.

9 (2) EFFECT ON PERSONS AND ENTITIES.—On
10 the entry of an order under paragraph (1)(D), the
11 conclusive and binding Qualifying Modification shall
12 be valid and binding on any person or entity assert-
13 ing claims or other rights, including a beneficial in-
14 terest (directly or indirectly, as principal, agent,
15 counterpart, subrogee, insurer or otherwise) in re-
16 spect of Bonds subject to the Qualifying Modifica-
17 tion, any trustee, any collateral agent, any indenture
18 trustee, any fiscal agent, and any bank that receives
19 or holds funds related to the Bonds. All property of
20 an Issuer for which an order has been entered under
21 paragraph (1)(D) shall vest in the Issuer free and
22 clear of all claims in respect of any Bonds of any
23 other Issuer. The Qualifying Modification will be
24 full, final, complete, binding, and conclusive as to
25 the territorial government Issuer, other territorial

1 instrumentalities of the territorial government
2 Issuer, and any creditors of those entities, and
3 should not be subject to any collateral attack or
4 other challenge by any of those entities in any court
5 or other forum. Other than as provided herein, the
6 foregoing shall not prejudice the rights and claims of
7 any party that insured the Bonds, including the
8 right to assert claims under the Bonds as modified
9 following any payment under the insurance policy,
10 and no claim or right that may be asserted by any
11 party in a capacity other than holder of a Bond af-
12 fected by the Qualifying Modification shall be satis-
13 fied, released, discharged, or enjoined by this provi-
14 sion.

15 (m) JUDICIAL REVIEW.—

16 (1) DISTRICT COURT JURISDICTION.—The dis-
17 trict court for the territory or, for any territory that
18 does not have a district court, the United States
19 District Court for the District of Hawaii shall have
20 original and exclusive jurisdiction over civil actions
21 arising under this section.

22 (2) CAUSE OF ACTION.—Notwithstanding sec-
23 tion 80306(e) of this title, there shall be a cause of
24 action to challenge unlawful application of this sec-
25 tion.

1 (3) NULLIFICATION.—The district court shall
2 nullify a Modification and any effects on the rights
3 of the holders of Bonds resulting from the Modifica-
4 tion if and only if the district court determines that
5 the Modification is manifestly inconsistent with this
6 section.

7 **§ 80903. Applicable law**

8 In any judicial proceeding regarding this chapter,
9 Federal, State, or territorial laws of the United States,
10 as applicable, shall govern and be applied without regard
11 or reference to any law of any international or foreign ju-
12 risdiction.

13 **Chapter 811—Puerto Rico**
14 **Infrastructure Revitalization**

Sec.

- 81101. Definitions.
- 81102. Position of Revitalization Coordinator.
- 81103. Critical projects.
- 81104. Miscellaneous provisions.
- 81105. Federal agency requirements.
- 81106. Judicial review.
- 81107. Relation to Federal law.

15 **§ 81101. Definitions**

16 In this chapter:

17 (1) ACT 76.—The term “Act 76” means Puerto
18 Rico Act 76–2000 (3 L.P.R.A. 1931 et seq.), ap-
19 proved on May 5, 2000, as amended.

20 (2) CRITICAL PROJECT.—The term “Critical
21 Project” means a project identified under the provi-

1 sions of this chapter and intimately related to ad-
2 dressing an emergency whose approval, consider-
3 ation, permitting, and implementation shall be expe-
4 dited and streamlined according to the statutory
5 process provided by Act 76, or otherwise adopted
6 pursuant to this chapter.

7 (3) EMERGENCY.—The term “emergency”
8 means any event or grave problem of deterioration
9 in the physical infrastructure for the rendering of
10 essential services to the people, or that endangers
11 the life, public health, or safety of the population or
12 of a sensitive ecosystem, or as otherwise defined by
13 section 1 of Act 76 (3 L.P.R.A. 1931). This shall in-
14 clude problems in the physical infrastructure for en-
15 ergy, water, sewer, solid waste, highways or roads,
16 ports, telecommunications, and other similar infra-
17 structure.

18 (4) ENERGY COMMISSION OF PUERTO RICO.—
19 The term “Energy Commission of Puerto Rico”
20 means the Puerto Rico Energy Commission as es-
21 tablished by Subtitle B of Puerto Rico Act 57–2014.

22 (5) ENERGY PROJECTS.—The term “Energy
23 Projects” means projects addressing the generation,
24 distribution, or transmission of energy.

1 (6) ENVIRONMENTAL QUALITY BOARD.—The
2 term “Environmental Quality Board” means the
3 Puerto Rico Environmental Quality Board, a board
4 within the executive branch of the government of
5 Puerto Rico, as established by section 7 of Puerto
6 Rico Act 416–2004 (12 L.P.R.A. 8002a).

7 (7) EXPEDITED PERMITTING PROCESS.—The
8 term “Expedited Permitting Process” means a Puer-
9 to Rico Agency’s alternate procedures, conditions,
10 and terms mirroring those established under Act 76
11 (3 L.P.R.A. 1932) and, pursuant to this chapter,
12 shall not apply to a Federal law, statute, or require-
13 ment.

14 (8) GOVERNOR.—The term “Governor” means
15 the Governor of Puerto Rico.

16 (9) INTERAGENCY ENVIRONMENTAL SUB-
17 COMMITTEE.—The term “Interagency Environ-
18 mental Subcommittee” means the Interagency Sub-
19 committee on Expedited Environmental Regulations
20 as further described by section 81104(a) of this title.

21 (10) LEGISLATURE.—The term “Legislature”
22 means the Legislature of Puerto Rico.

23 (11) PLANNING BOARD.—The term “Planning
24 Board” means the Puerto Rico Planning Board, a
25 board in the executive branch of the government of

1 Puerto Rico, as established by Puerto Rico Act 75–
2 1975 (23 L.P.R.A. 62 et seq.).

3 (12) PROJECT SPONSOR.—The term “Project
4 Sponsor” means a Puerto Rico Agency or private
5 party proposing the development of an existing, on-
6 going, or new infrastructure project or Energy
7 Project.

8 (13) PUERTO RICO AGENCY.—The terms
9 “Puerto Rico Agency” or “Puerto Rico Agencies”
10 means a board, body, board of examiners, public cor-
11 poration, commission, independent office, division,
12 administration, bureau, department, authority, offi-
13 cial, person, entity, municipality, or instrumentality
14 of Puerto Rico, or an administrative body authorized
15 by law to perform duties of regulating or inves-
16 tigating, that may issue a decision, or with the
17 power to issue licenses, certificates, permits, conces-
18 sions, accreditations, privileges, and franchises, ex-
19 cept the Senate and the House of Representatives of
20 the Legislature and the judicial branch.

21 (14) PUERTO RICO ELECTRIC POWER AUTHOR-
22 ITY.—The term “Puerto Rico Electric Power Au-
23 thority” means the Puerto Rico Electric Power Au-
24 thority established by Puerto Rico Act 83–1941.

1 **§ 81102. Position of Revitalization Coordinator**

2 (a) ESTABLISHMENT.—There is established, under
3 the Oversight Board, the position of the Revitalization Co-
4 ordinator.

5 (b) APPOINTMENT.—

6 (1) IN GENERAL.—The Revitalization Coordi-
7 nator shall be appointed by the Governor as follows:

8 (A) Prior to the appointment of the Revi-
9 talization Coordinator and not later than 60
10 days after the appointment of the full member-
11 ship of the Oversight Board, the Oversight
12 Board shall submit to the Governor no less
13 than 3 nominees for appointment.

14 (B) In consultation with the Oversight
15 Board, not later than 10 days after receiving
16 the nominations under subparagraph (A), the
17 Governor shall appoint 1 of the nominees as the
18 Revitalization Coordinator. The appointment
19 shall be effective immediately.

20 (C) If the Governor fails to select a Revi-
21 talization Coordinator, the Oversight Board
22 shall, by majority vote, appoint a Revitalization
23 Coordinator from the list of nominees provided
24 under subparagraph (A).

1 (2) QUALIFICATIONS.—In selecting nominees
2 under paragraph (1)(A), the Oversight Board shall
3 only nominate individuals who—

4 (A) have substantial knowledge and exper-
5 tise in the planning, predevelopment, financing,
6 development, operations, engineering, or market
7 participation of infrastructure projects, pro-
8 vided that stronger consideration may be given
9 to candidates who have experience with Energy
10 Projects and the laws and regulations of Puerto
11 Rico that may be subject to an Expedited Per-
12 mitting Process;

13 (B) do not currently provide goods or serv-
14 ices to the government of Puerto Rico (and, as
15 applicable, are not the spouse, parent, child, or
16 sibling of an individual who provides or has pro-
17 vided goods and services to the government of
18 Puerto Rico in the preceding 3 calendar years);
19 and

20 (C) shall not be an officer, employee, or
21 former officer or employee of the government of
22 Puerto Rico in the preceding 3 calendar years.

23 (3) COMPENSATION.—The Revitalization Coor-
24 dinator shall be compensated at an annual rate de-
25 termined by the Oversight Board sufficient in the

1 judgment of the Oversight Board to obtain the serv-
2 ices of an individual with the skills and experience
3 required to discharge the duties of the position. The
4 compensation shall not exceed the annual salary of
5 the Executive Director.

6 (c) ASSIGNMENT OF PERSONNEL.—The executive di-
7 rector of the Oversight Board may assign Oversight Board
8 personnel to assist the Revitalization Coordinator.

9 (d) REMOVAL.—

10 (1) IN GENERAL.—The Revitalization Coordi-
11 nator may be removed for any reason, in the Over-
12 sight Board’s discretion.

13 (2) TERMINATION OF POSITION.—On the termi-
14 nation of the Oversight Board pursuant to section
15 80509 of this title, the position of the Revitalization
16 Coordinator shall terminate.

17 **§ 81103. Critical projects**

18 (a) IDENTIFICATION OF PROJECTS.—

19 (1) PROJECT SUBMISSION.—Any Project Spon-
20 sor may submit, so long as the Oversight Board is
21 in operation, any existing, ongoing, or proposed
22 project to the Revitalization Coordinator. The Revi-
23 talization Coordinator—

24 (A) shall require the submission to in-
25 clude—

1 (i) the impact the project will have on
2 an emergency;

3 (ii) the availability of immediate pri-
4 vate capital or other funds, including loan
5 guarantees, loans, or grants to implement,
6 operate, or maintain the project;

7 (iii) the cost of the project and
8 amount of Puerto Rico government funds,
9 if any, necessary to complete and maintain
10 the project;

11 (iv) the environmental and economic
12 benefits provided by the project, including
13 the number of jobs to be created that will
14 be held by residents of Puerto Rico and
15 the expected economic impact, including
16 the impact on ratepayers, if applicable; and

17 (v) the status of the project if it is ex-
18 isting or ongoing; and

19 (B) may require the submission to include
20 any or all of the following criteria that assess
21 how the project will—

22 (i) reduce reliance on oil for electric
23 generation in Puerto Rico;

24 (ii) improve performance of energy in-
25 frastructure and overall energy efficiency;

1 (iii) expedite the diversification and
2 conversion of fuel sources for electric gen-
3 eration from oil to natural gas and renew-
4 ables in Puerto Rico as defined under ap-
5 plicable Puerto Rico laws;

6 (iv) promote the development and uti-
7 lization of energy sources found on Puerto
8 Rico;

9 (v) contribute to transitioning to
10 privatized generation capacities in Puerto
11 Rico;

12 (vi) support the Energy Commission
13 of Puerto Rico in achievement of its goal
14 of reducing energy costs and ensuring af-
15 fordable energy rates for consumers and
16 business; or

17 (vii) achieve in whole or in part the
18 recommendations, if feasible, of the study
19 in subchapter II of chapter 111 of this
20 title to the extent the study is completed
21 and not inconsistent with studies or plans
22 otherwise required under Puerto Rico laws.

23 (2) IDENTIFICATION OF RELEVANT PUERTO
24 RICO AGENCIES.—Within 20 days of receiving a
25 project submission under paragraph (1), the Revital-

1 ization Coordinator shall, in consultation with the
2 Governor, identify all Puerto Rico Agencies that will
3 have a role in the permitting, approval, authorizing,
4 or other activity related to the development of the
5 project submission.

6 (3) EXPEDITED PERMITTING PROCESS.—

7 (A) SUBMISSION OF EXPEDITED PERMIT-
8 TING PROCESS.—Not later than 20 days after
9 receiving a project submission, each Puerto
10 Rico Agency identified in paragraph (2) shall
11 submit to the Revitalization Coordinator the
12 Agency’s Expedited Permitting Process.

13 (B) FAILURE TO PROVIDE EXPEDITED
14 PERMITTING PROCESS.—If a Puerto Rico Agen-
15 cy fails to provide an Expedited Permitting
16 Process within 20 days of receiving a project
17 submission, the Revitalization Coordinator shall
18 consult with the Governor to develop within 20
19 days an Expedited Permitting Process for the
20 Agency.

21 (C) IMPLEMENTATION AND
22 PRIORITIZATION.—The Revitalization Coordi-
23 nator shall require Puerto Rico Agencies to im-
24 plement the Expedited Permitting Process for
25 Critical Projects. Critical Projects shall be

1 prioritized to the maximum extent possible in
2 each Puerto Rico Agency regardless of any
3 agreements transferring or delegating permit-
4 ting authority to any other Territorial Instru-
5 mentality or municipality.

6 (b) CRITICAL PROJECT REPORT.—

7 (1) IN GENERAL.—For each submitted project,
8 the Revitalization Coordinator in consultation with
9 the Governor and relevant Puerto Rico Agencies
10 identified in subsection (a)(2) shall develop a Crit-
11 ical Project Report within 60 days of the project
12 submission, which shall include the following:

13 (A) An assessment of how well the project
14 meets the criteria in subsection (a)(1).

15 (B) A recommendation by the Governor
16 whether the project should be considered a Crit-
17 ical Project. If the Governor fails to provide a
18 recommendation during the development of the
19 Critical Project Report, the failure shall con-
20 stitute a concurrence with the Revitalization
21 Coordinator's recommendation in subparagraph
22 (E).

23 (C) In the case of a project that may affect
24 the implementation of Land-Use Plans, as de-
25 fined by Puerto Rico Act 550–2004, a deter-

1 mination by the Planning Board will be re-
2 quired within the 60-day timeframe. If the
3 Planning Board determines the project will be
4 inconsistent with relevant Land-Use Plans, then
5 the project will be deemed ineligible for Critical
6 Project designation.

7 (D) In the case of an Energy Project that
8 will connect with the Puerto Rico Electric
9 Power Authority's transmission or distribution
10 facilities, a recommendation by the Energy
11 Commission of Puerto Rico, if the Energy Com-
12 mission determines the Energy Project will af-
13 fect an approved Integrated Resource Plan, as
14 defined under Puerto Rico Act 57-2014. If the
15 Energy Commission determines the Energy
16 Project will adversely affect an approved Inte-
17 grated Resource Plan, then the Energy Com-
18 mission shall provide the reasons for the deter-
19 mination and the Energy Project shall be ineli-
20 gible for Critical Project designation, provided
21 that the determination must be made during
22 the 60-day timeframe for the development of
23 the Critical Project Report.

1 (E) A recommendation by the Revitaliza-
2 tion Coordinator whether the project should be
3 considered a Critical Project.

4 (2) PUBLIC INVOLVEMENT.—Immediately fol-
5 lowing the completion of the Critical Project Report,
6 the Revitalization Coordinator shall make the Crit-
7 ical Project Report public and allow a period of 30
8 days for the submission of comments by residents of
9 Puerto Rico specifically on matters relating to the
10 designation of a project as a Critical Project. The
11 Revitalization Coordinator shall respond to the com-
12 ments within 30 days of closing the comment period
13 and make the responses publicly available.

14 (3) SUBMISSION TO OVERSIGHT BOARD.—Not
15 later than 5 days after the Revitalization Coordi-
16 nator has responded to the comments under para-
17 graph (2), the Revitalization Coordinator shall sub-
18 mit the Critical Project Report to the Oversight
19 Board.

20 (c) ACTION BY THE OVERSIGHT BOARD.—Not later
21 than 30 days after receiving the Critical Project Report,
22 the Oversight Board, by majority vote, shall approve or
23 disapprove the project as a Critical Project. If the Over-
24 sight Board—

1 (1) approves the project, the project shall be
2 considered a Critical Project; and

3 (2) disapproves the project, the Oversight
4 Board shall submit to the Revitalization Coordinator
5 in writing the reasons for disapproval.

6 **§ 81104. Miscellaneous provisions**

7 (a) CREATION OF INTERAGENCY ENVIRONMENTAL
8 SUBCOMMITTEE.—

9 (1) ESTABLISHMENT.—Not later than 60 days
10 after the date on which the Revitalization Coordi-
11 nator is appointed, the Interagency Environmental
12 Subcommittee shall be established and shall evaluate
13 environmental documents required under Puerto
14 Rico law for any Critical Project within the Expe-
15 dited Permitting Process established by the Revital-
16 ization Coordinator under section 81103(a)(3).

17 (2) COMPOSITION.—The Interagency Environ-
18 mental Subcommittee shall consist of the Revitaliza-
19 tion Coordinator, and a representative selected by
20 the Governor in consultation with the Revitalization
21 Coordinator representing each of the following agen-
22 cies:

23 (A) The Environmental Quality Board.

24 (B) The Planning Board.

1 (C) The Puerto Rico Department of Nat-
2 ural and Environmental Resources.

3 (D) Any other Puerto Rico Agency deter-
4 mined to be relevant by the Revitalization Coor-
5 dinator.

6 (b) LENGTH OF EXPEDITED PERMITTING PROC-
7 ESS.—With respect to a Puerto Rico Agency’s activities
8 related only to a Critical Project, the Puerto Rico Agency
9 shall operate as if the Governor has declared an emergency
10 pursuant to section 2 of Act 76 (3 L.P.R.A. 1932). Sec-
11 tion 12 of Act 76 (3 L.P.R.A. 1942) shall not be applica-
12 ble to Critical Projects. Any transactions, processes,
13 projects, works, or programs essential to the completion
14 of a Critical Project shall continue to be processed and
15 completed under the Expedited Permitting Process re-
16 gardless of the termination of the Oversight Board under
17 section 80509.

18 (c) EXPEDITED PERMITTING PROCESS COMPLI-
19 ANCE.—

20 (1) WRITTEN NOTICE.—A Critical Project
21 Sponsor may in writing notify the Oversight Board
22 of the failure of a Puerto Rico Agency or the Revi-
23 talization Coordinator to adhere to the Expedited
24 Permitting Process.

1 (2) FINDING OF FAILURE.—If the Oversight
2 Board finds either the Puerto Rico Agency or Revi-
3 talization Coordinator has failed to adhere to the
4 Expedited Permitting Process, the Oversight Board
5 shall direct the offending party to comply with the
6 Expedited Permitting Process. The Oversight Board
7 may take such enforcement action as necessary as
8 provided by section 80304(1).

9 (d) REVIEW OF LEGISLATURE ACTS.—

10 (1) SUBMISSION OF ACTS TO OVERSIGHT
11 BOARD.—Pursuant to section 80504(a) of this title,
12 the Governor shall submit to the Oversight Board
13 any law duly enacted during any fiscal year in which
14 the Oversight Board is in operation that may affect
15 the Expedited Permitting Process.

16 (2) FINDING OF OVERSIGHT BOARD.—Upon re-
17 ceipt of a law under paragraph (1), the Oversight
18 Board shall promptly review whether the law would
19 adversely impact the Expedited Permitting Process
20 and, on such a finding, the Oversight Board may
21 consider that law to be significantly inconsistent
22 with the applicable Fiscal Plan.

23 (e) ESTABLISHMENT OF CERTAIN TERMS AND CON-
24 DITIONS.—No Puerto Rico Agency may include in any cer-
25 tificate, right-of-way, permit, lease, or other authorization

1 issued for a Critical Project any term or condition that
2 may be permitted, but is not required, by any applicable
3 Puerto Rico law, if the Revitalization Coordinator deter-
4 mines the term or condition would prevent or impair the
5 expeditious construction, operation, or expansion of the
6 Critical Project. The Revitalization Coordinator may re-
7 quest a Puerto Rico Agency to include in any certificate,
8 right-of-way, permit, lease, or other authorization, a term
9 or condition that may be permitted in accordance with ap-
10 plicable laws if the Revitalization Coordinator determines
11 the inclusion would support the expeditious construction,
12 operation, or expansion of any Critical Project.

13 (f) DISCLOSURE.—All Critical Project reports, and
14 justifications for approval or rejection of Critical Project
15 status, shall be made publicly available online within 5
16 days of receipt or completion.

17 **§ 81105. Federal agency requirements**

18 (a) POINTS OF CONTACT.—At the request of the Re-
19 vitalization Coordinator and within 30 days of receiving
20 the request, each Federal agency with jurisdiction over the
21 permitting, or administrative or environmental review of
22 private or public projects in Puerto Rico, shall name a
23 Point of Contact who will serve as that agency's liaison
24 with the Revitalization Coordinator.

1 (b) GRANTS AND LOANS.—For each Critical Project
2 with a pending or potential Federal grant, loan, or loan
3 guarantee application, the Revitalization Coordinator and
4 the relevant Point of Contact shall cooperate with each
5 other to ensure expeditious review of the application.

6 (c) EXPEDITED REVIEWS AND ACTIONS.—All reviews
7 conducted and actions taken by any Federal agency relat-
8 ing to a Critical Project shall be expedited in a manner
9 consistent with completion of the necessary reviews and
10 approvals by the deadlines under the Expedited Permit-
11 ting Process, but in no way shall the deadlines established
12 through the Expedited Permitting Process be binding on
13 any Federal agency.

14 **§ 81106. Judicial review**

15 (a) CLAIM DEADLINE.—A claim arising under this
16 chapter must be brought no later than 30 days after the
17 date of the decision or action giving rise to the claim.

18 (b) EXPEDITED CONSIDERATION.—The District
19 Court for the District of Puerto Rico shall set any action
20 brought under this title for expedited consideration, taking
21 into account the interest of enhancing Puerto Rico’s infra-
22 structure for electricity, water and sewer services, roads
23 and bridges, ports, and solid waste management to achieve
24 compliance with local and Federal environmental laws,
25 regulations, and policies while ensuring the continuity of

1 adequate services to the people of Puerto Rico and Puerto
2 Rico's sustainable economic development.

3 **§ 81107. Relation to Federal law**

4 Nothing in this chapter is intended to change or alter
5 any Federal legal requirements or laws.

6 **Chapters 813 Through 819—Reserved**

7 **Chapter 821—Miscellaneous**
8 **Provisions**

Sec.

82101. Rules of construction.

82102. Right of Puerto Rico to determine its future political status.

82103. Application of regulation to Puerto Rico.

82104. Automatic stay upon enactment.

82105. Protection from inter-debtor transfers.

82106. Report on territorial debt.

82107. Determination on debt.

9 **§ 82101. Rules of construction**

10 Nothing in this division is intended, or may be con-
11 strued—

12 (1) to limit the authority of Congress to exer-
13 cise legislative authority over the territories pursu-
14 ant to Article IV, section 3 of the Constitution of
15 the United States;

16 (2) to authorize the application of section
17 80304(f) of this title (relating to issuance of sub-
18 poenas) to a judicial officer or employee of a terri-
19 tory court;

20 (3) to alter, amend, or abrogate any provision
21 of the Covenant To Establish a Commonwealth of

1 the Northern Mariana Islands in Political Union
2 with the United States of America (the text of which
3 is set out in section 1 of Public Law 94–241 (90
4 Stat. 263)); or

5 (4) to alter, amend, or abrogate the treaties of
6 cession regarding certain islands of American
7 Samoa, set out in section 40101 of this title.

8 **§ 82102. Right of Puerto Rico to determine its future**
9 **political status**

10 Nothing in this division shall be interpreted to re-
11 strict Puerto Rico’s right to determine its future political
12 status, including by conducting the plebiscite as author-
13 ized by the Department of Justice Appropriations Act,
14 2014 (Public Law 113–76, div. B, title II, 128 Stat. 61).

15 **§ 82103. Application of regulation to Puerto Rico**

16 (a) SPECIAL RULE.—The regulations proposed by the
17 Secretary of Labor relating to exemptions regarding the
18 rates of pay for executive, administrative, professional,
19 outside sales, and computer employees, and published in
20 a notice in the Federal Register on July 6, 2015, and any
21 final regulations issued relating to the notice, shall not
22 have force or effect in Puerto Rico until—

23 (1) the Comptroller General completes the as-
24 sessment and transmits the report required under
25 subsection (b); and

1 (2) the Secretary of Labor, taking into account
2 the assessment and report of the Comptroller Gen-
3 eral, provides a written determination to Congress
4 that applying the rule to Puerto Rico would not have
5 a negative impact on the economy of Puerto Rico.

6 (b) ASSESSMENT AND REPORT.—Not later than 2
7 years after June 30, 2016, the Comptroller General shall
8 examine the economic conditions in Puerto Rico and shall
9 transmit a report to Congress assessing the impact of ap-
10 plying the regulations described in subsection (a) to Puer-
11 to Rico, taking into consideration regional, metropolitan,
12 and non-metropolitan salary and cost-of-living differences.

13 **§ 82104. Automatic stay upon enactment**

14 (a) PURPOSES.—The purposes of this section are
15 to—

16 (1) provide the government of Puerto Rico with
17 the resources and the tools it needs to address an
18 immediate existing and imminent crisis;

19 (2) allow the government of Puerto Rico a lim-
20 ited period of time during which it can focus its re-
21 sources on negotiating a voluntary resolution with
22 its creditors instead of defending numerous, costly
23 creditor lawsuits;

24 (3) provide an oversight mechanism to assist
25 the government of Puerto Rico in reforming its fis-

1 cal governance and support the implementation of
2 potential debt restructuring;

3 (4) make available a Federal restructuring au-
4 thority, if necessary, to allow for an orderly adjust-
5 ment of all of the government of Puerto Rico's liabil-
6 ities; and

7 (5) benefit the lives of 3.5 million American
8 citizens living in Puerto Rico by encouraging the
9 government of Puerto Rico to resolve its long-
10 standing fiscal governance issues and return to eco-
11 nomic growth.

12 (b) DEFINITIONS.—In this section:

13 (1) GOVERNMENT OF PUERTO RICO.—The term
14 “government of Puerto Rico”, in addition to the def-
15 inition set forth in section 80101 of this title, shall
16 include—

17 (A) the individuals, including elected and
18 appointed officials, directors, officers of and
19 employees acting in their official capacity on be-
20 half of the government of Puerto Rico; and

21 (B) the Oversight Board, including the di-
22 rectors and officers of and employees acting in
23 their official capacity on behalf of the Oversight
24 Board.

1 (2) LIABILITY.—The term “Liability” means a
2 bond, loan, letter of credit, other borrowing title, ob-
3 ligation of insurance, or other financial indebtedness
4 for borrowed money, including rights, entitlements,
5 or obligations whether the rights, entitlements, or
6 obligations arise from contract, statute, or any other
7 source of law related to the bond, loan, letter of
8 credit, other borrowing title, obligation of insurance,
9 or other financial indebtedness in physical or dema-
10 terialized form, of which—

11 (A) the issuer, obligor, or guarantor is the
12 government of Puerto Rico; and

13 (B) the date of issuance or incurrence pre-
14 cedes June 30, 2016.

15 (3) LIABILITY CLAIM.—The term “Liability
16 Claim” means, as it relates to a Liability—

17 (A) a right to payment, whether or not the
18 right is reduced to judgment, liquidated, unliq-
19 uidated, fixed, contingent, matured, unmatured,
20 disputed, undisputed, legal, equitable, secured,
21 or unsecured; or

22 (B) a right to an equitable remedy for
23 breach of performance if the breach gives rise
24 to a right to payment, whether or not the right
25 to an equitable remedy is reduced to judgment,

1 fixed, contingent, matured, unmatured, dis-
2 puted, undisputed, secured, or unsecured.

3 (c) IN GENERAL.—Except as provided in subsection
4 (d), the establishment of an Oversight Board for Puerto
5 Rico in accordance with section 80301 of this title oper-
6 ates with respect to a Liability as a stay, applicable to
7 all entities (as the term is defined in section 101 of title
8 11), of—

9 (1) the commencement or continuation, includ-
10 ing the issuance or employment of process, of a judi-
11 cial, administrative, or other action or proceeding
12 against the government of Puerto Rico that was or
13 could have been commenced before June 30, 2016,
14 or to recover a Liability Claim against the govern-
15 ment of Puerto Rico that arose before June 30,
16 2016;

17 (2) the enforcement, against the government of
18 Puerto Rico or against property of the government
19 of Puerto Rico, of a judgment obtained before June
20 30, 2016;

21 (3) any act to obtain possession of property of
22 the government of Puerto Rico or of property from
23 the government of Puerto Rico or to exercise control
24 over property of the government of Puerto Rico;

1 (4) any act to create, perfect, or enforce any
2 lien against property of the government of Puerto
3 Rico;

4 (5) any act to create, perfect, or enforce against
5 property of the government of Puerto Rico any lien
6 to the extent that the lien secures a Liability Claim
7 that arose before June 30, 2016;

8 (6) any act to collect, assess, or recover a Li-
9 ability Claim against the government of Puerto Rico
10 that arose before June 30, 2016; and

11 (7) the setoff of any debt owing to the govern-
12 ment of Puerto Rico that arose before June 30,
13 2016, against any Liability Claim against the gov-
14 ernment of Puerto Rico.

15 (d) STAY NOT OPERABLE.—The establishment of an
16 Oversight Board for Puerto Rico in accordance with sec-
17 tion 80301 of this title does not operate as a stay—

18 (1) solely under subsection (c)(1), of the con-
19 tinuation of, including the issuance or employment
20 of process, of a judicial, administrative, or other ac-
21 tion or proceeding against the government of Puerto
22 Rico that was commenced on or before December
23 18, 2015; or

24 (2) of the commencement or continuation of an
25 action or proceeding by a governmental unit to en-

1 force the governmental unit's or organization's police
2 and regulatory power, including the enforcement of
3 a judgment other than a money judgment, obtained
4 in an action or proceeding by the governmental unit
5 to enforce the governmental unit's or organization's
6 police or regulatory power.

7 (e) CONTINUATION OF STAY.—Except as provided in
8 subsections (f), (g), and (h), the stay under subsection (c)
9 continues until the earlier of—

10 (1) the later of—

11 (A) the later of—

12 (i) February 15, 2017; or

13 (ii) 6 months after the establishment
14 of an Oversight Board for Puerto Rico as
15 established by section 80301(b) of this
16 title;

17 (B) the date that is 75 days after the date
18 in subparagraph (A) if the Oversight Board de-
19 livers a certification to the Governor that, in
20 the Oversight Board's sole discretion, an addi-
21 tional 75 days are needed to seek to complete
22 a voluntary process under chapter 809 of this
23 title with respect to the government of Puerto
24 Rico or any of its territorial instrumentalities;
25 or

1 (C) the date that is 60 days after the date
2 in subparagraph (A) if the district court to
3 which an application has been submitted under
4 section 80902(l)(1)(D) of this title determines,
5 in the exercise of the court's equitable powers,
6 that an additional 60 days are needed to com-
7 plete a voluntary process under chapter 809 of
8 this title with respect to the government of
9 Puerto Rico or any of its territorial instrumen-
10 talities; or

11 (2) with respect to the government of Puerto
12 Rico or any of its territorial instrumentalities, the
13 date on which a case is filed by or on behalf of the
14 government of Puerto Rico or any of its territorial
15 instrumentalities, as applicable, under chapter 807
16 of this title.

17 (f) JURISDICTION; RELIEF FROM STAY.—

18 (1) ORIGINAL AND EXCLUSIVE JURISDICTION.—
19 The United States District Court for the District of
20 Puerto Rico shall have original and exclusive juris-
21 diction of any civil actions arising under or related
22 to this section.

23 (2) WHEN RELIEF GRANTED.—On motion of or
24 action filed by a party in interest and after notice
25 and a hearing, the United States District Court for

1 the District of Puerto Rico, for cause shown, shall
2 grant relief from the stay provided under subsection
3 (c).

4 (g) TERMINATION OF STAY; HEARING.—Forty-five
5 days after a request under subsection (f)(2) for relief from
6 the stay of any act against property of the government
7 of Puerto Rico under subsection (c), the stay is terminated
8 with respect to the party in interest making the request,
9 unless the court, after notice and a hearing, orders the
10 stay continued in effect pending the conclusion of, or as
11 a result of, a final hearing and determination under sub-
12 section (f)(2). A hearing under this subsection may be a
13 preliminary hearing, or may be consolidated with the final
14 hearing under subsection (f)(2). The court shall order the
15 stay continued in effect pending the conclusion of the final
16 hearing under subsection (f)(2) if there is a reasonable
17 likelihood that the party opposing relief from the stay will
18 prevail at the conclusion of the final hearing. If the hear-
19 ing under this subsection is a preliminary hearing, then
20 the final hearing shall be concluded not later than 30 days
21 after the conclusion of the preliminary hearing, unless the
22 30-day period is extended with the consent of the parties
23 in interest or for a specific time which the court finds is
24 required by compelling circumstances.

1 (h) RELIEF TO PREVENT IRREPARABLE DAMAGE.—

2 On request of a party in interest, the court, with or with-
3 out a hearing, shall grant such relief from the stay pro-
4 vided under subsection (c) as is necessary to prevent irrep-
5 arable damage to the interest of an entity in property, if
6 the interest will suffer the damage before there is an op-
7 portunity for notice and a hearing under subsection (f)
8 or (g).

9 (i) ACT IN VIOLATION OF STAY IS VOID.—Any order,
10 judgment, or decree entered in violation of this section and
11 any act taken in violation of this section is void, and shall
12 have no force or effect, and any person found to violate
13 this section may be liable for damages, costs, and attor-
14 neys' fees incurred in defending any action taken in viola-
15 tion of this section, and the Oversight Board or the gov-
16 ernment of Puerto Rico may seek an order from the court
17 enforcing the provisions of this section.

18 (j) NO DEFAULT UNDER EXISTING CONTRACTS.—

19 (1) DEFINITION OF REMEDY.—The term “rem-
20 edy” as used in paragraph (2) shall be interpreted
21 broadly, and shall include any right existing in law
22 or contract, including any right to—

23 (A) setoff;

24 (B) apply or appropriate funds;

1 (C) seek the appointment of a custodian
2 (as the term is defined in section 101(11) of
3 title 11);

4 (D) seek to raise rates; or

5 (E) exercise control over property of the
6 government of Puerto Rico.

7 (2) CLAIM HOLDERS.—Notwithstanding any
8 contractual provision or applicable law to the con-
9 trary and so long as a stay under this section is in
10 effect, the holder of a Liability Claim or any other
11 claim (as the term is defined in section 101 of title
12 11) may not exercise or continue to exercise any
13 remedy under a contract or applicable law in respect
14 to the government of Puerto Rico or any of its prop-
15 erty—

16 (A) that is conditioned upon the financial
17 condition of, or the commencement of a restruc-
18 turing, insolvency, bankruptcy, or other pro-
19 ceeding (or a similar or analogous process) by,
20 the government of Puerto Rico, including a de-
21 fault or an event of default thereunder; or

22 (B) with respect to Liability Claims—

23 (i) for the non-payment of principal or
24 interest; or

1 (ii) for the breach of any condition or
2 covenant.

3 (3) TERMINATION OR MODIFICATION OF CON-
4 TRACT.—Notwithstanding any contractual provision
5 or applicable law to the contrary and so long as a
6 stay under this section is in effect, a contract to
7 which the government of Puerto Rico is a party may
8 not be terminated or modified, and any right or obli-
9 gation under the contract may not be terminated or
10 modified, solely because a provision in the contract
11 is conditioned on—

12 (A) the insolvency or financial condition of
13 the government of Puerto Rico at any time
14 prior to June 30, 2016;

15 (B) the adoption of a resolution or estab-
16 lishment of an Oversight Board pursuant to
17 section 80301 of this title; or

18 (C) a default under a separate contract
19 that is due to, triggered by, or a result of the
20 occurrence of the events or matters in para-
21 graph (1)(B).

22 (4) CONTRACTS RELATING TO GOODS AND
23 SERVICES.—Notwithstanding any contractual provi-
24 sion to the contrary and so long as a stay under this
25 section is in effect, a counterparty to a contract with

1 the government of Puerto Rico for the provision of
2 goods and services shall, unless the government of
3 Puerto Rico agrees to the contrary in writing, con-
4 tinue to perform all obligations under, and comply
5 with the terms of, the contract, provided that the
6 government of Puerto Rico is not in default under
7 the contract other than as a result of a condition
8 specified in paragraph (3).

9 (k) EFFECT.—This section does not discharge an ob-
10 ligation of the government of Puerto Rico or release, inval-
11 idate, or impair any security interest or lien securing such
12 obligation. This section does not impair or affect the im-
13 plementation of any restructuring support agreement exe-
14 cuted by the government of Puerto Rico to be implemented
15 pursuant to Puerto Rico law specifically enacted for that
16 purpose prior to June 30, 2016, or the obligation of the
17 government of Puerto Rico to proceed in good faith as
18 set forth in any such agreement.

19 (l) PAYMENTS ON LIABILITIES.—Nothing in this sec-
20 tion shall be construed to prohibit the government of Puer-
21 to Rico from making any payment on any Liability when
22 such payment becomes due during the term of the stay,
23 and to the extent the Oversight Board, in its sole discre-
24 tion, determines it is feasible, the government of Puerto
25 Rico shall make interest payments on outstanding indebt-

1 edness when such payments become due during the length
2 of the stay.

3 (m) VOTING ON VOLUNTARY AGREEMENTS NOT
4 STAYED.—Notwithstanding any provision in this section
5 to the contrary, nothing in this section shall prevent the
6 holder of a Liability Claim from voting on or consenting
7 to a proposed modification of the Liability Claim under
8 chapter 809 of this title.

9 **§ 82105. Protection from inter-debtor transfers**

10 (a) PROTECTION OF CREDITORS.—While an Over-
11 sight Board for Puerto Rico is in existence, if any property
12 of any territorial instrumentality of Puerto Rico is trans-
13 ferred in violation of applicable law under which any cred-
14 itor has a valid pledge of, security interest in, or lien on
15 the property, or which deprives the territorial instrumen-
16 tality of property in violation of applicable law assuring
17 the transfer of the property to the territorial instrumen-
18 tality for the benefit of its creditors, then the transferee
19 shall be liable for the value of the property.

20 (b) ENFORCEABILITY.—A creditor may enforce
21 rights under this section by bringing an action in the
22 United States District Court for the District of Puerto
23 Rico after the expiration or lifting of the stay of section
24 82104 of this title, unless a stay under chapter 807 of
25 this title is in effect.

1 **§ 82106. Report on territorial debt**

2 (a) REPORT REQUIRED.—Not later than 1 year after
3 June 30, 2016, and thereafter not less than once every
4 2 years, the Comptroller General shall submit to Congress
5 a report on the public debt of each territory, including—

6 (1) the historical levels of each territory's public
7 debt, current amount and composition of each terri-
8 tory's public debt, and future projections of each terri-
9 tory's public debt;

10 (2) the historical levels of each territory's rev-
11 enue, current amount and composition of each terri-
12 tory's revenue, and future projections of each terri-
13 tory's revenue;

14 (3) the drivers and composition of each terri-
15 tory's public debt;

16 (4) the effect of Federal laws, mandates, rules,
17 and regulations on each territory's public debt; and

18 (5) the ability of each territory to repay its pub-
19 lic debt.

20 (b) MATERIALS.—The government of each territory
21 shall make available to the Comptroller General all mate-
22 rials necessary to carry out this section.

23 **§ 82107. Determination on debt**

24 Nothing in this division shall be interpreted to re-
25 strict—

1 (1) the ability of the Puerto Rico Commission
2 for the Comprehensive Audit of the Public Credit to
3 file its reports; or

4 (2) the review and consideration of the Puerto
5 Rico Commission's findings by the government of
6 Puerto Rico or an Oversight Board for Puerto Rico
7 established under section 80301 of this title.

8 **Division B—Supplemental**
9 **Provisions**
10 **Chapter 851—Puerto Rico**
11 **Recovery Accuracy in Disclosures**

Sec.

85101. Definitions.

85102. Disclosure by professional persons seeking approval of compensation.

12 **§ 85101. Definitions**

13 In this chapter:

14 (1) LIST OF MATERIAL INTERESTED PAR-
15 TIES.—The term “list of material interested parties”
16 means the list of material interested parties estab-
17 lished under section 85102(b)(1) of this title.

18 (2) OVERSIGHT BOARD.—The term “Oversight
19 Board” has the meaning given the term in section
20 80101 of this title.

21 **§ 85102. Disclosure by professional persons seeking**
22 **approval of compensation**

23 (a) REQUIRED DISCLOSURE.—

1 (1) IN GENERAL.—In a case commenced under
2 section 80704 of this title, an attorney, accountant,
3 appraiser, auctioneer, agent, or other professional
4 person may not be compensated under section 80716
5 or 80717 of this title unless prior to making a re-
6 quest for compensation, the professional person has
7 filed with the court a verified statement conforming
8 to the disclosure requirements of rule 2014(a) of the
9 Federal Rules of Bankruptcy Procedure (11 U.S.C.
10 App.) setting forth the connection of the professional
11 person with any entity or person on the list of mate-
12 rial interested parties.

13 (2) SUPPLEMENT.—A professional person that
14 submits a statement under paragraph (1) shall
15 promptly supplement the statement with any addi-
16 tional relevant information that becomes known to
17 the person.

18 (3) DISCLOSURE.—Subject to any other appli-
19 cable law, rule, or regulation, a professional person
20 that fails to file or update a statement required
21 under paragraph (1) or files a statement that the
22 court determines does not represent a good faith ef-
23 fort to comply with this chapter shall disclose that
24 failure in any filing required to conform to the dis-
25 closure requirements under rule 2014(a) of the Fed-

1 eral Rules of Bankruptcy Procedure (11 U.S.C.
2 App.).

3 (b) LIST OF MATERIAL INTERESTED PARTIES.—

4 (1) PREPARATION.—The Oversight Board shall
5 establish a list of material interested parties subject
6 to—

7 (A) the approval of the court; and

8 (B) the right of the United States trustee
9 or any party in interest to be heard on the ap-
10 proval.

11 (2) INCLUSIONS.—Except as provided in para-
12 graph (3), the list of material interested parties shall
13 include—

14 (A) the debtor;

15 (B) any creditor;

16 (C) any other party in interest;

17 (D) any attorney or accountant of—

18 (i) the debtor;

19 (ii) any creditor; or

20 (iii) any other party in interest;

21 (E) the United States trustee and any in-
22 dividual employed in the office of the United
23 States trustee; and

1 (F) the Oversight Board, including the
2 members, the executive director, and the em-
3 ployees of the Oversight Board.

4 (3) EXCLUSIONS.—The list of material inter-
5 ested parties may not include any person with a
6 claim, the amount of which is below a threshold dol-
7 lar amount established by the court that is con-
8 sistent with the purpose of this chapter.

9 (c) REVIEW.—

10 (1) IN GENERAL.—The United States trustee
11 shall review each verified statement submitted pur-
12 suant to subsection (a) and may file with the court
13 comments on those verified statements before the
14 professionals filing the verified statements seek com-
15 pensation under section 80716 or 80717 of this title.

16 (2) OBJECTION.—The United States trustee
17 may object to applications filed under section 80716
18 or 80717 of this title that fail to satisfy the require-
19 ments of subsection (a).

20 (d) LIMITATION ON COMPENSATION.—In a case com-
21 menced under section 80704 of this title, in connection
22 with the review and approval of professional compensation
23 filed after January 20, 2022, under section 80716 or
24 80717 of this title, the court may deny allowance of com-
25 pensation or reimbursement of expenses if—

1 (1) the professional person has failed to file the
2 verified disclosure statements required under sub-
3 section (a)(1) or has filed inadequate disclosure
4 statements under that subsection; or

5 (2) during the professional person’s employ-
6 ment in connection with the case, the professional
7 person—

8 (A) is not a disinterested person (as de-
9 fined in section 101 of title 11) relative to any
10 entity or person on the list of material inter-
11 ested parties; or

12 (B) represents or holds an adverse interest
13 in connection with the case.

14 **SEC. 4. CONFORMING AMENDMENTS.**

15 (a) TITLE 7, UNITED STATES CODE.—

16 (1) Section 1361(d) of the Education Amend-
17 ments of 1980 (Public Law 96–374, 7 U.S.C. 301
18 note) is amended by striking “the Act of February
19 20, 1929 (45 Stat. 1253) and the Act of May 22,
20 1929 (46 Stat. 4).” and inserting “section 40101(b)
21 of title 48, United States Code.”.

22 (2) Section 19(a)(2)(C) of the Food and Nutri-
23 tion Act of 2008 (7 U.S.C. 2028(a)(2)(C)) is
24 amended by striking “section 601(c) of Public Law

1 96–597 (48 U.S.C. 1469d(c)).” and inserting “sec-
2 tion 10504(c) of title 48, United States Code.”.

3 (3) Section 2(2) of the Brown Tree Snake Con-
4 trol and Eradication Act of 2004 (7 U.S.C. 8501(2))
5 is amended—

6 (A) by striking “; 48 U.S.C. 1921 et seq.”;

7 and

8 (B) by striking “; 48 U.S.C. 1931 et seq.”.

9 (b) TITLE 10, UNITED STATES CODE.—Section
10 504(b)(1)(C) of title 10, United States Code, is amend-
11 ed—

12 (1) in clause (i), by striking “; 48 U.S.C. 1921
13 note”;

14 (2) in clause (ii), by striking “; 48 U.S.C. 1921
15 note”; and

16 (3) in clause (iii), by striking “; 48 U.S.C. 1931
17 note”.

18 (c) TITLE 12, UNITED STATES CODE.—The 3d un-
19 designated paragraph under the heading “HOUSING
20 AND HOME FINANCE AGENCY” in title II of the
21 Independent Offices Appropriation Act, 1955 (12 U.S.C.
22 1701g–5) is amended—

23 (1) in clause (4), by striking “the Alaska Hous-
24 ing Act, as amended (48 U.S.C. 484(a));” and in-

1 serting “section 3(a) of the Alaska Housing Act (ch.
2 89, 63 Stat. 59);” and

3 (2) in the 4th proviso (3d proviso in 12 U.S.C.
4 1701g–5), by striking “the Alaska Housing Act, as
5 amended (48 U.S.C. 484(d)),” and inserting “sec-
6 tion 3(d) of the Alaska Housing Act (ch. 89, 63
7 Stat. 59), as amended by section 7 of the Housing
8 Act of 1952 (ch. 723, 66 Stat. 603),”.

9 (d) TITLE 15, UNITED STATES CODE.—

10 (1) Section 7(j)(13)(F)(iii)(I)(aa) of the Small
11 Business Act (15 U.S.C. 636(j)(13)(F)(iii)(I)(aa)) is
12 amended by striking “section 101 of the Puerto Rico
13 Oversight, Management, and Economic Stability Act
14 (48 U.S.C. 2121)” and inserting “section 80301 of
15 title 48, United States Code,”.

16 (2) Section 31(b)(3)(A)(ii)(II) of the Small
17 Business Act (15 U.S.C. 657a(b)(3)(A)(ii)(II)) is
18 amended by striking “the Puerto Rico Oversight,
19 Management, and Economic Stability Act” and in-
20 serting “section 80301 of title 48, United States
21 Code,”.

22 (3) Section 45(a)(3) of the Small Business Act
23 (15 U.S.C. 657r(a)(3)) is amended by striking “sec-
24 tion 101 of the Puerto Rico Oversight, Management,
25 and Economic Stability Act (48 U.S.C. 2121)” and

1 inserting “section 80301 of title 48, United States
2 Code,”.

3 (e) TITLE 16, UNITED STATES CODE.—Section
4 304(1) of the Coastal Zone Management Act of 1972 (16
5 U.S.C. 1453(1)) is amended by striking “the Act of March
6 2, 1917 (48 U.S.C. 749), the Covenant to Establish a
7 Commonwealth of the Northern Mariana Islands in Polit-
8 ical Union with the United States of America, as approved
9 by the Act of March 24, 1976 (48 U.S.C. 1681 note), or
10 section 1 of the Act of November 20, 1963 (48 U.S.C.
11 1705),” and inserting “section 20510 of title 48, United
12 States Code, the Covenant to Establish a Commonwealth
13 of the Northern Mariana Islands in Political Union with
14 the United States of America, as described and approved
15 in sections 60101 and 60102, respectively, of title 48,
16 United States Code, or section 10121 of title 48, United
17 States Code,”.

18 (f) TITLE 20, UNITED STATES CODE.—

19 (1) Section 419D(d) of the Higher Education
20 Act of 1965 (20 U.S.C. 1070d–34(d)) is amended by
21 striking “section 501 of Public Law 95–134 (48
22 U.S.C. 1469a),” and inserting “section 10501(a)
23 through (c)(1) of title 48, United States Code,”.

24 (2) Section 611(b)(1)(B) of the Individuals with
25 Disabilities Education Act (20 U.S.C.

1 1411(b)(1)(B)) is amended by striking “Public Law
2 95–134, permitting the consolidation of grants by
3 the outlying areas,” and inserting “section 10501(a)
4 through (c)(1) of title 48, United States Code”.

5 (3) Section 643(a)(2) of the Individuals with
6 Disabilities Education Act (20 U.S.C. 1443(a)(2)) is
7 amended by striking “Public Law 95–134, permit-
8 ting the consolidation of grants to the outlying
9 areas,” and inserting “section 10501(a) through
10 (c)(1) of title 48, United States Code”.

11 (4) Section 654(e) of the Individuals with Dis-
12 abilities Education Act (20 U.S.C. 1454(e)) is
13 amended by striking “Public Law 95–134, permit-
14 ting the consolidation of grants to the outlying
15 areas,” and inserting “Section 10501(a) through
16 (c)(1) of title 48, United States Code”.

17 (5) Section 1121(b)(1)(A) of the Elementary
18 and Secondary Education Act of 1965 (20 U.S.C.
19 6331(b)(1)(A)) is amended by striking “Public Law
20 95–134, permitting the consolidation of grants,” and
21 inserting “section 10501(a) through (c)(1) of title
22 48, United States Code”.

23 (g) TITLE 22, UNITED STATES CODE.—Section
24 1703(c)(1) of the Guam World War II Loyalty Recogni-
25 tion Act (Public Law 114–328, title XVII, 22 U.S.C. 1621

1 note) is amended by striking “section 30 of the Organic
2 Act of Guam (48 U.S.C. 1421h)” and inserting “section
3 30181 of title 48, United States Code,”.

4 (h) TITLE 25, UNITED STATES CODE.—Section
5 512(15)(F) of the Hawaiian Homelands Homeownership
6 Act of 2000 (Public Law 106–569, 25 U.S.C. 4221 note)
7 is amended by striking “; 48 U.S.C. 491, note prec.”.

8 (i) TITLE 26, UNITED STATES CODE.—

9 (1) Section 934(a) of the Internal Revenue
10 Code of 1986 (26 U.S.C. 934(a)) is amended by
11 striking “the Act entitled ‘An Act making appropria-
12 tions for the naval service for the fiscal year ending
13 June 30, 1922, and for other purposes’, approved
14 July 12, 1921 (48 U.S.C. 1397), or pursuant to sec-
15 tion 28(a) of the Revised Organic Act of the Virgin
16 Islands, approved July 22, 1954 (48 U.S.C. 1642),”
17 and inserting “section 50305 of title 48, United
18 States Code, or pursuant to section 50802 of title
19 48, United States Code,”.

20 (2) Section 7651 of the Internal Revenue Code
21 of 1986 (26 U.S.C. 7651) is amended—

22 (A) in the matter before paragraph (1), by
23 striking “section 28(a) of the Revised Organic
24 Act of the Virgin Islands and section 30 of the
25 Organic Act of Guam” and inserting “sections

1 30181 and 50802 of title 48, United States
2 Code,”;

3 (B) in paragraph (4)(A), by striking “sec-
4 tion 28(a) of the Revised Organic Act of the
5 Virgin Islands” and inserting “section 50802 of
6 title 48, United States Code,”; and

7 (C) in paragraph (4)(B)—

8 (i) by striking “section 28(a) of the
9 Revised Organic Act of the Virgin Islands”
10 and inserting “section 50802 of title 48,
11 United States Code,”; and

12 (ii) by striking “such section 28(a)”
13 wherever it appears and inserting “section
14 50802 of title 48, United States Code,”.

15 (3) Section 7652(b)(3)(A) of the Internal Rev-
16 enue Code of 1986 (26 U.S.C. 7652(b)(3)(A)) is
17 amended by striking “section 4(c)(2) of the Act enti-
18 tled ‘An Act to authorize appropriations for certain
19 insular areas of the United States, and for other
20 purposes’, approved August 18, 1978 (48 U.S.C.
21 1645),” and inserting “section 59102 of title 48,
22 United States Code,”.

23 (4) Section 7653(d) of the Internal Revenue
24 Code of 1986 (26 U.S.C. 7653(d)) is amended by
25 striking “**the Act of August 1, 1950 (48**

1 **U.S.C. 1421h).**” and inserting “section 30181 of
2 title 48, United States Code.”.

3 (j) TITLE 28, UNITED STATES CODE.—Section 23(c)
4 of the Alaska Omnibus Act (Public Law 86–70, 28 U.S.C.
5 81a note) is amended by striking “the Act of June 6, 1900
6 (48 U.S.C. 25),” and inserting “the Act of June 6, 1900
7 (ch. 786, 31 Stat. 332),”.

8 (k) TITLE 29, UNITED STATES CODE.—

9 (1) Section 6(g) of the Fair Labor Standards
10 Act of 1938 (29 U.S.C. 206(g)) is amended—

11 (A) in paragraph (2), by striking “section
12 101 of the Puerto Rico Oversight, Management,
13 and Economic Stability Act,” and inserting
14 “section 80301 of title 48, United States
15 Code,”; and

16 (B) in paragraph (5), by striking “section
17 209 of the Act described in such paragraph.”
18 and inserting “section 80509 of title 48, United
19 States Code.”.

20 (2) Section 11(a) of the Rehabilitation Act of
21 1973 (29 U.S.C. 708(a)) is amended by striking
22 “The provisions of the Act of December 5, 1974
23 (Public Law 93–510) and of” and inserting “The
24 provisions of chapter 71 of title 31, United States

1 Code, section 10501(a) through (c)(1) of title 48,
2 United States Code, and”.

3 (3) Section 127(b)(1)(B)(iii) of the Workforce
4 Innovation and Opportunity Act (29 U.S.C.
5 3162(b)(1)(B)(iii)) is amended by striking “section
6 501 of Public Law 95–134 (48 U.S.C. 1469a),” and
7 inserting “section 10501(a) through (c)(1) of title
8 48, United States Code,”.

9 (l) TITLE 30, UNITED STATES CODE.—Section 2 of
10 the Mineral Leasing Act for Acquired Lands (30 U.S.C.
11 351) is amended by striking “, 48 U.S.C., sec. 432”.

12 (m) TITLE 40, UNITED STATES CODE.—Section
13 2847(f)(4) of the Military Construction Authorization Act
14 for Fiscal Year 2019 (Public Law 115–232, div. B, 40
15 U.S.C. 521 note) is amended by striking “the Organic Act
16 of Guam (48 U.S.C. 1421 et seq.)” and inserting “chap-
17 ter 301 of title 48, United States Code.”.

18 (n) TITLE 42, UNITED STATES CODE.—

19 (1) Section 214(a)(7) of the Housing and Com-
20 munity Development Act of 1980 (42 U.S.C. 1436a)
21 is amended—

22 (A) by striking “(48 U.S.C. 1901 note)”
23 and inserting “in section 201 of Public Law
24 99–239”; and

1 (B) by striking “(48 U.S.C. 1931 note)”
2 and inserting “in section 201 of Public Law
3 99–658”.

4 (2) Section 4 of the Nuclear Waste Policy Act
5 of 1982 (42 U.S.C. 10103) is amended by striking
6 “section 605 of the Act of March 12, 1980 (48
7 U.S.C. 1491).” and inserting “section 12104 of title
8 48, United States Code.”.

9 (3) Section 252(a)(1) of the Energy Policy Act
10 of 2005 (42 U.S.C. 15891(a)(1)) is amended by
11 striking “section 604 of the Act entitled ‘An Act to
12 authorize appropriations for certain insular areas of
13 the United States, and for other purposes’, approved
14 December 24, 1980 (48 U.S.C. 1492),” and insert-
15 ing “subchapter I of chapter 111 of title 48, United
16 States Code, and subsections (a) and (c) through (e)
17 of section 604 of Public Law 96–597),”.

18 (o) TITLE 43, UNITED STATES CODE.—Section 3(f)
19 of the Abandoned Shipwreck Act of 1987 (43 U.S.C.
20 2102(f)) is amended—

21 (1) in paragraph (2), by striking “section 8 of
22 the Act of March 2, 1917, as amended (48 U.S.C.
23 749);” and inserting “section 20510 of title 48,
24 United States Code;”;

1 (2) in paragraph (3), by striking “section 1 of
2 Public Law 93–435 (48 U.S.C. 1705);” and insert-
3 ing “section 10121(a) through (d) of title 48, United
4 States Code, and section 1(d) of Public Law 93–
5 435;”; and

6 (3) in paragraph (4), by striking “Public Law
7 94–241 (48 U.S.C. 1681)” and inserting “the Cov-
8 enant to Establish a Commonwealth of the Northern
9 Mariana Islands in Political Union with the United
10 States of America, as contained in section 1 of Pub-
11 lic Law 94–241”.

12 (p) TITLE 45, UNITED STATES CODE.—Section
13 613(b) of the Alaska Railroad Transfer Act of 1982 (45
14 U.S.C. 1212(b)) is amended by striking “the Alaska
15 Statehood Act (note preceding 48 U.S.C. 21),” and insert-
16 ing “the Alaska Statehood Act (Public Law 85–508),”.

17 (q) TITLE 46, UNITED STATES CODE.—

18 (1) Subsection (c)(4) of the Ports Improvement
19 Act (Public Law 116–92, div. C, title XXXV, §3514,
20 46 U.S.C. 50302 note) is amended by striking “sec-
21 tion 3512 of the Duncan Hunter National Defense
22 Authorization Act for Fiscal Year 2009 (48 U.S.C.
23 1421r)” and inserting “section 39102 of title 48,
24 United States Code”.

1 (2) Section 55101(b)(2) of title 46, United
2 States Code, is amended by striking “(48 U.S.C.
3 1801 note)” and inserting “, as contained in section
4 1 of Public Law 94–241”.

5 (r) TITLE 54, UNITED STATES CODE.—Section
6 302908(a) of title 54, United States Code, is amended—

7 (1) by striking “the Compact of Free Associa-
8 tion Act of 1985 (48 U.S.C. 1901 et seq., 2001 et
9 seq.),” and inserting “section 101 of the Compact of
10 Free Association Act of 1985 (Public Law 99–
11 239),”; and

12 (2) by striking “the Joint Resolution entitled
13 ‘Joint Resolution to approve the “Compact of Free
14 Association” between the United States and Govern-
15 ment of Palau, and for other purposes’ (48 U.S.C.
16 1931 et seq.)” and inserting “section 101 of Public
17 Law 99–658”.

18 (s) ADDITIONAL PROVISIONS.—

19 (1) The Act of June 28, 1906 (ch. 3585, 34
20 Stat. 552), is amended by striking “; and any deeds
21 or other instruments affecting lands so situate, so
22 acknowledged since the first day of January, nine-
23 teen hundred and five, and accompanied by such
24 certificate shall have the same effect as such deeds
25 or other instruments hereafter so acknowledged and

1 certified.” and inserting “. A deed or other instru-
2 ment affecting land in the District of Columbia or
3 a territory of the United States, which was acknowl-
4 edged in the islands of Guam and American Samoa
5 or in the Canal Zone during the period January 1,
6 1905, through June 27, 1906, and which was ac-
7 knowledged in the manner provided in section 12110
8 of title 48, United States Code, shall have the same
9 effect as a deed or other instrument acknowledged
10 in that manner after June 27, 1906.”.

11 (2) Section 11 (13th sentence) of the Organic
12 Act of Guam (ch. 512, 64 Stat. 387), as amended
13 by Public Law 94–395 (90 Stat. 1199) and section
14 303 of Public Law 96–205 (94 Stat. 88), is amend-
15 ed by striking “section 30 of this Act (48 U.S.C.
16 1421h).” and inserting “section 30181 of title 48,
17 United States Code.”.

18 (3) Section 6 of Public Law 85–508 (72 Stat.
19 340) is amended—

20 (A) in subsection (e)—

21 (i) by striking “; 48 U. S. C., secs.
22 192–211”;

23 (ii) by striking “; 48 U. S. C., secs.
24 230–239 and 241–242”; and

1 (iii) by striking “; 48 U. S. C., secs.
2 221–228”; and

3 (B) in subsection (k), by striking “; 48 U.
4 S. C., sec. 353”.

5 (4) Section 28(a) of Public Law 85–508 (72
6 Stat. 351) is amended by striking “(48 U.S.C.
7 439)” and inserting “(ch. 330, 38 Stat. 744)”.

8 (5) Section 23 of the Alaska Omnibus Act
9 (Public Law 86–70, 73 Stat. 147) is amended—

10 (A) in subsection (c), by striking “(48
11 U.S.C. 25)” and inserting “(ch. 786, 31 Stat.
12 332)”;

13 (B) in subsection (d), by striking “(48
14 U.S.C. 107)” and inserting “(ch. 786, 31 Stat.
15 325)”.

16 (6) Section 35 of the Alaska Omnibus Act
17 (Public Law 86–70, 73 Stat. 150) is amended—

18 (A) in subsection (a), by striking “(48
19 U.S.C. 485 and the following)” and inserting
20 “(ch. 354, 62 Stat. 277)”;

21 (B) in subsection (b), by striking “(48
22 U.S.C. 485 and the following)” and “inserting
23 (ch. 354, 62 Stat. 277)”.

24 (7) Section 2 of Public Law 87–121 (75 Stat.
25 245) is amended by striking “section 3 of the Puerto

1 Rican Federal Relations Act” and inserting “section
2 20505 of title 48, United States Code,”.

3 (8) Section 2 of Public Law 89–552 (80 Stat.
4 376) is amended by striking “section 10 of the Or-
5 ganic Act of Guam” and inserting “section 30141 of
6 title 48, United States Code”.

7 (9) Section 2 of Public Law 99–396 (100 Stat.
8 839) is amended by striking “Public Law 94–241,”
9 and inserting “section 60102 of title 48, United
10 States Code,”.

11 (10) Section 202(6) of the Hawaiian Home
12 Lands Recovery Act (Public Law 104–42, 109 Stat.
13 357) is amended by striking “; 48 U.S.C. note prec.
14 491”.

15 (11) Section 705 of the Consolidated Natural
16 Resources Act of 2008 (Public Law 110–229, 122
17 Stat. 867) is amended—

18 (A) in subsection (b), by striking “section
19 6 of Public Law 94–241 (as added by section
20 702(a))” and inserting “section 60113 of title
21 48, United States Code”; and

22 (B) in subsection (c), by striking “section
23 6 of Public Law 94–241 (as added by section
24 702(a))” and inserting “section 60113 of title
25 48, United States Code,”.

1 (12) Section 808 of the Consolidated Natural
2 Resources Act of 2008 (Public Law 110–229, 122
3 Stat. 874) is amended—

4 (A) in the matter preceding paragraph (1),
5 by striking “(48 U.S.C. 1960)”; and

6 (B) in paragraph (1), by striking “(48
7 U.S.C. 1931 note)” and inserting “, as con-
8 tained in section 201 of Public Law 99–658”.

9 (13) Section 1049(c)(2)(B) of the National De-
10 fense Authorization Act for Fiscal Year 2018 (Pub-
11 lic Law 115–91, 131 Stat. 1559) is amended by
12 striking “section 6(a)(2) of the Joint Resolution en-
13 titled ‘A Joint Resolution to approve the “Covenant
14 To Establish a Commonwealth of the Northern Mar-
15 iana Islands in Political Union With the United
16 States of America”, and for other purposes’, ap-
17 proved March 24, 1976 (48 U.S.C. 1806(a)(2)).”
18 and inserting “section 60113 of title 48, United
19 States Code.”.

20 (14) Section 1259C(a)(1) of the National De-
21 fense Authorization Act for Fiscal Year 2018 (Pub-
22 lic Law 115–91, 131 Stat. 1687) is amended by
23 striking “(Public Law 99–658; 48 U.S.C. 1931
24 note)” and inserting “, as contained in section 201
25 of Public Law 99–658,”.

1 (15) The Northern Mariana Islands U.S. Work-
2 force Act of 2018 (Public Law 115–218, 132 Stat.
3 1547) is amended—

4 (A) in section 2(1), by striking “section
5 6(i) of the Joint Resolution entitled ‘A Joint
6 Resolution to approve the “Covenant To Estab-
7 lish a Commonwealth of the Northern Mariana
8 Islands in Political Union with the United
9 States of America”, and for other purposes’ (48
10 U.S.C. 1806)” and inserting “section 60111 of
11 title 48, United States Code”;

12 (B) in section 3(d)—

13 (i) by striking “section 6 of the Joint
14 Resolution entitled ‘A Joint Resolution to
15 approve the “Covenant To Establish a
16 Commonwealth of the Northern Mariana
17 Islands in Political Union with the United
18 States of America”, and for other pur-
19 poses’, as amended by subsection (b),” and
20 inserting “section 60120 of title 48,
21 United States Code”; and

22 (ii) by striking “subsection (d)(2)(C)
23 of such section” and inserting “section
24 60120(c)(3) of title 48, United States
25 Code”.

1 **SEC. 5. TRANSITIONAL AND SAVINGS PROVISIONS.**

2 (a) DEFINITIONS.—In this section:

3 (1) RESTATED PROVISION.—The term “restated
4 provision” means a provision of title 48, United
5 States Code, that is enacted by section 3.

6 (2) SOURCE PROVISION.—The term “source
7 provision” means a provision of law that is replaced
8 by a restated provision.

9 (b) CUTOFF DATE.—The restated provisions replace
10 certain provisions of law enacted on or before December
11 21, 2023. If a law enacted after that date amends or re-
12 peals a source provision, that law is deemed to amend or
13 repeal, as the case may be, the corresponding restated pro-
14 vision. If a law enacted after that date is otherwise incon-
15 sistent with a restated provision or a provision of this Act,
16 that law supersedes the restated provision or provision of
17 this Act to the extent of the inconsistency.

18 (c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—
19 A restated provision is deemed to have been enacted on
20 the date of enactment of the corresponding source provi-
21 sion.

22 (d) REFERENCES TO RESTATED PROVISIONS.—A
23 reference to a restated provision is deemed to refer to the
24 corresponding source provision.

25 (e) REFERENCES TO SOURCE PROVISIONS.—A ref-
26 erence to a source provision, including a reference in a

1 regulation, order, or other law, is deemed to refer to the
 2 corresponding restated provision.

3 (f) REGULATIONS, ORDERS, AND OTHER ADMINIS-
 4 TRATIVE ACTIONS.—A regulation, order, or other admin-
 5 istrative action in effect under a source provision con-
 6 tinues in effect under the corresponding restated provi-
 7 sion.

8 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—
 9 An action taken or an offense committed under a source
 10 provision is deemed to have been taken or committed
 11 under the corresponding restated provision.

12 (h) LEGISLATIVE CONSTRUCTION.—An inference of
 13 legislative construction is not to be drawn by reason of
 14 a restated provision’s location in the United States Code
 15 or by reason of the heading used for the restated provi-
 16 sion.

17 **SEC. 6. REPEALS.**

18 The following provisions of law are repealed, except
 19 with respect to rights and duties that matured, penalties
 20 that were incurred, or proceedings that were begun before
 21 the date of enactment of this Act:

Schedule of Laws Repealed

Act	Section	United States Code Former Classification
Revised Statutes	1839	48 U.S.C. 1451.
	1840	48 U.S.C. 1452.
	5570	48 U.S.C. 1411.
	5571	48 U.S.C. 1412.
	5572 (matter before semicolon)	48 U.S.C. 1413 (1st sentence).
	5573	48 U.S.C. 1414.
	5574	48 U.S.C. 1415.
	5575	48 U.S.C. 1416.
	5576	48 U.S.C. 1417.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	5577	48 U.S.C. 1418.
	5578	48 U.S.C. 1419.
Act of Mar. 3, 1887, ch. 340	1	48 U.S.C. 1501.
	2	48 U.S.C. 1502.
	3	48 U.S.C. 1503.
	4	48 U.S.C. 1504.
	5	48 U.S.C. 1505.
	6	48 U.S.C. 1506.
	7	48 U.S.C. 1507.
Act of Apr. 12, 1900, ch. 191	2	48 U.S.C. 739.
	3	48 U.S.C. 738.
	4	48 U.S.C. 740.
	4 (proviso)	Not classified to the United States Code.
	6	Not classified to the United States Code.
	9 (matter after semicolon)	48 U.S.C. 744.
	11	48 U.S.C. 755.
	12	Not classified to the United States Code.
	13	Not classified to the United States Code.
	14	Not classified to the United States Code.
	15	Not classified to the United States Code.
	16	Not classified to the United States Code.
	34	Not classified to the United States Code.
	38	Not classified to the United States Code.
	39	Not classified to the United States Code.
Act of May 1, 1900, No. 23	3 (2d sentence through last sentence)	48 U.S.C. 752.
Act of Mar. 2, 1901, ch. 812	2 (1st sentence)	48 U.S.C. 869.
	2 (2d sentence)	Not classified to the United States Code.
Act of Mar. 22, 1902, ch. 273	(relating to the acknowledgement of deeds in Puerto Rico)	Not classified to the United States Code.
Act of July 1, 1902, ch. 1383	1	48 U.S.C. 746.
	3	Not classified to the United States Code.
Act of Feb. 23, 1905, ch. 733	1	48 U.S.C. 1508.
Act of June 22, 1906, ch. 3514	1 (relating to permanent provisions for payment of salary and traveling expenses of Resident Commissioner of Puerto Rico as specified in 7th complete paragraph at 34 Stat. 417)	48 U.S.C. 894.
Act of June 28, 1906, ch. 3585	(matter before semicolon)	48 U.S.C. 1421f-1 (matter before semicolon), 48 U.S.C. 1663 (matter before semicolon).
Act of July 15, 1909, ch. 4	2	Not classified to the United States Code.
Act of Aug. 24, 1912, ch. 390 (Panama Canal Act)	9(c)	48 U.S.C. 1357.
Act of Mar. 2, 1917, ch. 145 (Puerto Rican Federal Relations Act) ..	1	48 U.S.C. 731.
	2	48 U.S.C. 737.
	3	48 U.S.C. 741, 48 U.S.C. 741a, 48 U.S.C. 745.
	5a	48 U.S.C. 733a.
	6	48 U.S.C. 795.
	7	48 U.S.C. 747, 48 U.S.C. 748.
	8 (except matter relating to Act approved June 11, 1906)	48 U.S.C. 749.
	9	48 U.S.C. 734.
	10	48 U.S.C. 874.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	11	48 U.S.C. 794.
	36 (1st sentence)	Not classified to the United States Code.
	36 (2d sentence)	48 U.S.C. 891.
	36 (3d sentence, 4th sentence (relating to stationery allowance, clerk hire, and franking privilege)).	48 U.S.C. 893.
	36 (4th sentence (relating to mileage allowance)).	2 U.S.C. 46.
	36 (5th sentence, last sentence)	48 U.S.C. 892.
	37	48 U.S.C. 821.
	38 (2d paragraph)	48 U.S.C. 751.
	42	48 U.S.C. 864.
	45	48 U.S.C. 868.
	47	48 U.S.C. 871.
	48	48 U.S.C. 872.
	54	48 U.S.C. 742.
Act of Mar. 3, 1917, ch. 171 (Virgin Islands Acquisition Act)	2	48 U.S.C. 1392.
	3	48 U.S.C. 1394.
	4	48 U.S.C. 1395.
	5	48 U.S.C. 1396.
Act of June 5, 1920, ch. 235	1 (last proviso in 2d paragraph under heading "PUBLIC LANDS SERVICE").	48 U.S.C. 368.
Act of July 12, 1921, ch. 44	1 (2d proviso, last proviso under heading "TEMPORARY GOVERNMENT FOR WEST INDIAN ISLANDS").	48 U.S.C. 1397.
Act of Mar. 4, 1925, ch. 563 .....	.....	48 U.S.C. 1662.
Act of Feb. 26, 1926, ch. 27 (Revenue Act of 1926)	261 (last paragraph (relating to Puerto Rico)).	48 U.S.C. 845.
Act of Feb. 20, 1929, ch. 281	(except subsections (d), (e))	48 U.S.C. 1661 (except subsections (d), (e)).
Act of Mar. 27, 1934, ch. 99 .....	.....	48 U.S.C. 1489.
Act of Aug. 3, 1935, ch. 435 .....	.....	48 U.S.C. 745b.
Act of Aug. 13, 1935, ch. 516 .....	.....	48 U.S.C. 745a.
Act of June 22, 1936, ch. 699 (Organic Act of the Virgin Islands of the United States)	4	48 U.S.C. 1405e.
	18	48 U.S.C. 1405q.
	35	48 U.S.C. 1406h.
	36	48 U.S.C. 1406i.
	37	48 U.S.C. 1406f.
Act of June 25, 1938, ch. 703	1	48 U.S.C. 911.
	2	48 U.S.C. 912.
	3	48 U.S.C. 913.
	4	48 U.S.C. 914.
	5	48 U.S.C. 915.
	6	48 U.S.C. 916.
Act of July 3, 1945, ch. 262 (Interior Department Appropriation Act, 1946)	1 (proviso in 1st paragraph under heading "GOVERNMENT OF THE VIRGIN ISLANDS").	48 U.S.C. 1405w-1.
Act of Oct. 27, 1949, ch. 769	1	48 U.S.C. 1403.
	2	48 U.S.C. 1403a.
	3	48 U.S.C. 1403b.
	.....	48 U.S.C. 644a.
Act of June 15, 1950, ch. 253 .....	.....	48 U.S.C. 644a.
Act of July 18, 1950, ch. 466 (Territorial Enabling Act of 1950)	101 (relating to Puerto Rico)	48 U.S.C. 910.
	102 (relating to Puerto Rico)	48 U.S.C. 910a.
	103 (relating to Puerto Rico)	48 U.S.C. 910b.
	301	48 U.S.C. 1408.
	302	48 U.S.C. 1408a.
	303	48 U.S.C. 1408b.
	305	48 U.S.C. 1408d.
	306	48 U.S.C. 1408e.

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Act of Aug. 1, 1950, ch. 512 (Organic Act of Guam)	2	48 U.S.C. 1421.
	3	48 U.S.C. 1421a.
	5	48 U.S.C. 1421b.
	6	48 U.S.C. 1422.
	7	48 U.S.C. 1422a.
	8	48 U.S.C. 1422b.
	9 (except subsection (d))	48 U.S.C. 1422c (except subsection (d)).
	9-A (except subsection (e))	48 U.S.C. 1422d (except subsection (e)).
	10	48 U.S.C. 1423.
	11 (1st sentence through 4th sentence).	48 U.S.C. 1423a (1st sentence through 4th sentence).
	12	48 U.S.C. 1423b.
	13	48 U.S.C. 1423c.
	14	48 U.S.C. 1423d.
	15	48 U.S.C. 1423e.
	16	48 U.S.C. 1423f.
	17	48 U.S.C. 1423g.
	18	48 U.S.C. 1423h.
	19	48 U.S.C. 1423i.
	20 (except subsection (e))	48 U.S.C. 1423j (except subsection (e)).
	21	48 U.S.C. 1423k.
	22	48 U.S.C. 1424.
	22A	48 U.S.C. 1424-1.
	22B	48 U.S.C. 1424-2.
	22D	48 U.S.C. 1424-4.
	24	48 U.S.C. 1424b.
	25	48 U.S.C. 1421e.
	26	48 U.S.C. 1421d.
	27	48 U.S.C. 1421e.
	28(e)	48 U.S.C. 1421f(e).
	29	48 U.S.C. 1421g.
	30	48 U.S.C. 1421h.
	31	48 U.S.C. 1421i.
	32	48 U.S.C. 1421j.
33	48 U.S.C. 1421k.	
Act of July 9, 1952, ch. 597 (Interior Department Appropriation Act, 1953)	108	48 U.S.C. 1685.
Act of July 31, 1953, ch. 298	title I, §1 (proviso under heading "VIRGIN ISLAND PUBLIC WORKS").	Not classified to the United States Code.
	title I (5th proviso under heading "TRUST TERRITORY OF THE PACIFIC ISLANDS", under heading "OFFICE OF TERRITORIES").	48 U.S.C. 1684.
	title I (last proviso under heading "TRUST TERRITORY OF THE PACIFIC ISLANDS", under heading "OFFICE OF TERRITORIES").	48 U.S.C. 1686.
Act of June 30, 1954, ch. 423	4 (except subsection (e))	48 U.S.C. 1681b (except subsection (e)).
Act of July 22, 1954, ch. 558 (Revised Organic Act of the Virgin Islands)	2 (except subsection (a)(1st sentence)).	48 U.S.C. 1541.
	3	48 U.S.C. 1561.
	4	48 U.S.C. 1542.
	5	48 U.S.C. 1571.
	6	48 U.S.C. 1572.
	7	48 U.S.C. 1573.
	8	48 U.S.C. 1574.
	9	48 U.S.C. 1575.
	10 (except last sentence)	48 U.S.C. 1576 (except last sentence).
	11	48 U.S.C. 1591.
	12	48 U.S.C. 1593.
14	48 U.S.C. 1595.	

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Act	Section	United States Code Former Classification
	16	48 U.S.C. 1597.
	17(a), (b)	48 U.S.C. 1599(a), (b).
	18	48 U.S.C. 1631.
	20	48 U.S.C. 1641.
	21	48 U.S.C. 1611.
	22	48 U.S.C. 1612.
	23	48 U.S.C. 1613.
	24	48 U.S.C. 1614.
	25	48 U.S.C. 1615.
	26	48 U.S.C. 1616.
	27	48 U.S.C. 1617.
	28 (except subsection (b))	48 U.S.C. 1642, 48 U.S.C. 1643, 48 U.S.C. 1644.
	29	48 U.S.C. 1543.
	30	48 U.S.C. 1544.
	31	48 U.S.C. 1545.
	35	48 U.S.C. 1546.
Act of Aug. 1, 1956, ch. 852	24	48 U.S.C. 1421n.
Public Law 87-541	proviso	48 U.S.C. 1681 note.
Public Law 87-688	1	48 U.S.C. 1666.
Public Law 88-171	1	48 U.S.C. 1425a.
	2	48 U.S.C. 1425b.
	3	48 U.S.C. 1425e.
	4	48 U.S.C. 1425d.
	5	48 U.S.C. 1425e.
Public Law 88-183	4	48 U.S.C. 1704.
Public Law 90-16	2	48 U.S.C. 1681a.
Public Law 90-601 (Guam Develop- ment Fund Act of 1968)	2	48 U.S.C. 1428.
	3	48 U.S.C. 1428a.
	4	48 U.S.C. 1428b.
	5	48 U.S.C. 1428c.
	6	48 U.S.C. 1428d.
	7	48 U.S.C. 1428e.
Public Law 92-257	1	48 U.S.C. 1688.
	2	48 U.S.C. 1689.
	3	48 U.S.C. 1690.
	4	48 U.S.C. 1691.
	5	48 U.S.C. 1692.
Public Law 92-271	1	48 U.S.C. 1711.
	2	48 U.S.C. 1712.
	3	48 U.S.C. 1713.
	4	48 U.S.C. 1714.
	5	48 U.S.C. 1715.
Public Law 93-421	1	48 U.S.C. 1421o.
	2	48 U.S.C. 1421p.
Public Law 93-435	1	48 U.S.C. 1705.
	2	48 U.S.C. 1706.
	4	48 U.S.C. 1707.
	6	48 U.S.C. 1708.
Public Law 94-241	1 ("That 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.")	48 U.S.C. 1801.
	3	48 U.S.C. 1803.
	4	48 U.S.C. 1804.
	4 (except subsection (d))	48 U.S.C. 1804 (except subsection (d)).
	5	48 U.S.C. 1805.
	6 (except subsection (e)(1)(B))	48 U.S.C. 1806 (except subsection (e)(1)(B)).
Public Law 94-255	2	48 U.S.C. 1421q.
Public Law 94-392	1 (except subsection (b))	48 U.S.C. 1574a(a), (c).
	3	48 U.S.C. 1574e.
Public Law 95-134 (Omnibus Terri- tories Act of 1977)	403	48 U.S.C. 1421q-1, 48 U.S.C. 1574-1.
	501	48 U.S.C. 1469a.

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Act	Section	United States Code Former Classification	
Public Law 95-157	1	48 U.S.C. 1821.	
	2	48 U.S.C. 1822.	
	4(a) (matter before colon), (b)	48 U.S.C. 1824(a) (matter before colon), 48 U.S.C. 1824(b).	
Public Law 95-348	6	48 U.S.C. 1826.	
	3 (except subsections (a), (c))	48 U.S.C. 1841 (except subsections (a), (c)).	
	4(c)(2)	48 U.S.C. 1645.	
Public Law 95-556	4(d)	48 U.S.C. 1641 note.	
	1	48 U.S.C. 1731.	
	2	48 U.S.C. 1732.	
	3	48 U.S.C. 1733.	
	4	48 U.S.C. 1734.	
Public Law 96-205	5	48 U.S.C. 1735.	
	104	48 U.S.C. 1695.	
	204(b)	48 U.S.C. 1842.	
	205(c)	48 U.S.C. 1843(e).	
	405	48 U.S.C. 1574 note.	
	501 (except subsection (d))	48 U.S.C. 1668 (except subsection (d)).	
	502	48 U.S.C. 1669.	
	601	48 U.S.C. 1469a note.	
	603	48 U.S.C. 1469e.	
	605	48 U.S.C. 1491.	
Public Law 96-304 (Supplemental Appropriations and Rescission Act, 1980)	title I, 100 (last sentence under heading “UNITED STATES CUSTOMS SERVICE, SALARIES AND EXPENSES”).	48 U.S.C. 1642a.	
Public Law 96-597	402	48 U.S.C. 1971.	
	601	48 U.S.C. 1469d.	
	602	48 U.S.C. 1844.	
	604(b), (f), (g)	48 U.S.C. 1492(b), (f), (g).	
Public Law 97-357	203(e)	48 U.S.C. 1692 note.	
Public Law 98-146 (Department of the Interior and Related Agencies Appropriation Act, 1984)	title I (last proviso under heading “TRUST TERRITORY OF THE PACIFIC ISLANDS”).	48 U.S.C. 1687.	
Public Law 98-213	12	48 U.S.C. 1662a.	
Public Law 98-454	13	48 U.S.C. 1845.	
	202	48 U.S.C. 1670.	
	706(c)	48 U.S.C. 1614 note.	
	1003	48 U.S.C. 1493.	
Public Law 99-239 (Compact of Free Association Act of 1985)	1004	48 U.S.C. 1424b note.	
	107	48 U.S.C. 1907(b).	
	108	48 U.S.C. 1908.	
	109	48 U.S.C. 1909.	
	302	48 U.S.C. 2002.	
	303	48 U.S.C. 2003.	
Public Law 99-396	304	48 U.S.C. 2004.	
	12(a)	48 U.S.C. 1469a note.	
Public Law 99-570 (United States Insular Areas Drug Abuse Act of 1986)	19(b)	48 U.S.C. 1469a-1.	
	title V, 5002	48 U.S.C. 1494.	
	title V, 5003	48 U.S.C. 1494a.	
	title V, 5004 (except subsections (a)(4) (last sentence), (b)(3), (e)(5), (f)).	48 U.S.C. 1494b (except subsections (a)(4) (last sentence), (b)(3), (e)(5), (f)).	
	title V, 5005	48 U.S.C. 1494e.	
	Public Law 101-219	208	48 U.S.C. 1846.
	Public Law 102-247 (Omnibus Insular Areas Act of 1992)	title III, 302	48 U.S.C. 1469e.

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Public Law 102-381 (Department of the Interior and Related Agencies Appropriations Act, 1993) ...	title I (2d proviso under heading "TRUST TERRITORY OF THE PACIFIC ISLANDS").	48 U.S.C. 1682.
Public Law 110-229 (Consolidated Natural Resources Act of 2008) ..	702(e) 702(f) 702(h)(1), (2), (4) 705(c) 711 712 713 714 715 716 717	48 U.S.C. 1807. 48 U.S.C. 1808. 48 U.S.C. 1806 note. 48 U.S.C. 1806 note. 48 U.S.C. 1751. 48 U.S.C. 1752. 48 U.S.C. 1753. 48 U.S.C. 1754. 48 U.S.C. 1755. 48 U.S.C. 1756. 48 U.S.C. 1757.
Public Law 110-417 (Duncan Hunter National Defense Authorization Act for Fiscal Year 2009)	div. C, title XXXV, 3512	48 U.S.C. 1421r.
Public Law 113-235 (Consolidated and Further Continuing Appropriations Act, 2015)	9	48 U.S.C. 1492a.
Public Law 114-187 (Puerto Rico Oversight, Management, and Economic Stability Act)	3 4 5 6 7 101 102 103 104 105 106 107 108 109 201 202 203 204 205 206 207 208 209 210 211 212 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 401 402	48 U.S.C. 2102. 48 U.S.C. 2103. 48 U.S.C. 2104. 48 U.S.C. 2105. 48 U.S.C. 2106. 48 U.S.C. 2121. 48 U.S.C. 2122. 48 U.S.C. 2123. 48 U.S.C. 2124. 48 U.S.C. 2125. 48 U.S.C. 2126. 48 U.S.C. 2127. 48 U.S.C. 2128. 48 U.S.C. 2129. 48 U.S.C. 2141. 48 U.S.C. 2142. 48 U.S.C. 2143. 48 U.S.C. 2144. 48 U.S.C. 2145. 48 U.S.C. 2146. 48 U.S.C. 2147. 48 U.S.C. 2148. 48 U.S.C. 2149. 48 U.S.C. 2150. 48 U.S.C. 2151. 48 U.S.C. 2152. 48 U.S.C. 2161. 48 U.S.C. 2162. 48 U.S.C. 2163. 48 U.S.C. 2164. 48 U.S.C. 2165. 48 U.S.C. 2166. 48 U.S.C. 2167. 48 U.S.C. 2168. 48 U.S.C. 2169. 48 U.S.C. 2170. 48 U.S.C. 2171. 48 U.S.C. 2172. 48 U.S.C. 2173. 48 U.S.C. 2174. 48 U.S.C. 2175. 48 U.S.C. 2176. 48 U.S.C. 2177. 48 U.S.C. 2191. 48 U.S.C. 2192.

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	404(a), (b)	48 U.S.C. 2193(a), (b).
	405	48 U.S.C. 2194.
	407	48 U.S.C. 2195.
	409	48 U.S.C. 2196.
	410	48 U.S.C. 2197.
	411	48 U.S.C. 2198.
	412(b)	48 U.S.C. 2199(b).
	413	48 U.S.C. 2200.
	501	48 U.S.C. 2211.
	502	48 U.S.C. 2212.
	503	48 U.S.C. 2213.
	504	48 U.S.C. 2214.
	505	48 U.S.C. 2215.
	506	48 U.S.C. 2216.
	507	48 U.S.C. 2217.
	601	48 U.S.C. 2231.
	602	48 U.S.C. 2232.
Public Law 115-218 (Northern Mariana Islands U.S. Workforce Act of 2018)	3(e)	48 U.S.C. 1807 note.
Public Law 117-82 (Puerto Rico Recovery Accuracy in Disclosures Act of 2021)	2	48 U.S.C. 2178.
Public Law 117-328 (Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023)	div. G, title I, (1st proviso under heading "ASSISTANCE TO TERRITORIES", under heading "INSULAR AFFAIRS").	48 U.S.C. 1469b.