

**§ 1695. Federal education and health care programs; nonapplicability or nonparticipation**

Notwithstanding any other provision of law, except in cases in which the Federal program is terminated with respect to all recipients under the program, Federal programs in the fields of education and health care shall not cease to apply to the Trust Territory of the Pacific Islands or any successor government or governments, and shall continue to be available to the extent said territory or its successor or successors are eligible to participate in such programs. Participation in any applicable Federal programs in the fields of education and health care by the Trust Territory of the Pacific Islands or any successor government or governments shall not be denied, decreased or ended, either before or after the termination of the trusteeship, without the express approval of the United States Congress and shall continue at such levels as the Congress may provide in appropriation Acts.

(Pub. L. 96-205, title I, §104, Mar. 12, 1980, 94 Stat. 85; Pub. L. 96-597, title IV, §403, Dec. 24, 1980, 94 Stat. 3479.)

AMENDMENTS

1980—Pub. L. 96-597 substituted “and shall continue to be available to the extent said territory or its successor or successors are eligible to participate in such programs. Participation” for “nor shall participation”, “governments shall not be denied” for “governments be denied” and inserted “and shall continue at such levels as the Congress may provide in appropriation Acts.” after “United States Congress”.

**CHAPTER 15—CONVEYANCE OF SUBMERGED LANDS TO TERRITORIES**

Sec.

1701 to 1703. Repealed.

1704. Concurrent jurisdiction; exceptions for national defense purposes.

1705. Tidelands, submerged lands, or filled lands.

1706. Reserved rights.

1707. Payment of rents, royalties, and fees to local government.

1708. Discrimination prohibited in rights of access to, and benefits from, conveyed lands.

**§§ 1701 to 1703. Repealed. Pub. L. 93-435, § 5, Oct. 5, 1974, 88 Stat. 1212**

Section 1701, Pub. L. 88-183, §1, Nov. 20, 1963, 77 Stat. 338, related to authority of Secretary of the Interior to transfer tidelands, submerged lands, and filled lands to governments of Guam, Virgin Islands, and American Samoa with certain restrictions and conditions. See section 1705 of this title.

Section 1702, Pub. L. 88-183, §2, Nov. 20, 1963, 77 Stat. 339, related to administrative responsibility of Secretary of the Interior for tidelands, submerged lands, and filled lands in adjacent to Guam, Virgin Islands, and American Samoa. See sections 1705 to 1708 of this title.

Section 1703, Pub. L. 88-183, §3, Nov. 20, 1963, 77 Stat. 339, related to certain rights reserved for the United States for purposes of defense, navigation, flood control, commerce and international affairs. See section 1706 of this title.

**§ 1704. Concurrent jurisdiction; exceptions for national defense purposes**

(a) Except as otherwise provided by law, the governments of the Virgin Islands, Guam, and

American Samoa, shall have concurrent civil and criminal jurisdiction with the United States with regard to property owned, reserved, or controlled by the United States in the Virgin Islands, Guam, and American Samoa respectively. A judgment of conviction or acquittal on the merits under the laws of Guam, the Virgin Islands, or American Samoa shall be a bar to any prosecution under the criminal laws of the United States for the same act or acts, and a judgment of conviction or acquittal on the merits under the laws of the United States shall be a bar to any prosecution under the laws of Guam, the Virgin Islands, or American Samoa for the same act or acts.

(b) Notwithstanding the provisions of subsection (a) of this section, the President may from time to time exclude from the concurrent jurisdiction of the government of Guam persons found, acts performed, and offenses committed on the property of the United States which is under the control of the Secretary of Defense to such extent and in such circumstances as he finds required in the interest of the national defense.

(Pub. L. 88-183, §4, Nov. 20, 1963, 77 Stat. 339; Pub. L. 99-396, §3, Aug. 27, 1986, 100 Stat. 839.)

REFERENCES IN TEXT

The criminal laws of the United States, referred to in subsec. (a), are classified generally to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-396 amended first sentence generally. Prior to amendment, first sentence read as follows: “Except as otherwise provided in this section, the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, shall have concurrent jurisdiction with the United States over parties found, acts performed, and offenses committed on property owned, reserved, or controlled by the United States in Guam, the Virgin Islands, and American Samoa.”

**§ 1705. Tidelands, submerged lands, or filled lands**

**(a) Conveyance to Guam, the Commonwealth of the Northern Mariana Islands, Virgin Islands, and American Samoa**

Subject to valid existing rights, all right, title, and interest of the United States in lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastlines of the territories of Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and American Samoa, as heretofore or hereafter modified by accretion, erosion, and reliction, and in artificially made, filled in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters, are hereby conveyed to the governments of Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and American Samoa, as the case may be, to be administered in trust for the benefit of the people thereof.

**(b) Retention of certain lands and mineral rights by United States**

There are excepted from the transfer made by subsection (a) hereof—

(i) all deposits of oil, gas, and other minerals, but the term “minerals” shall not include coral, sand, and gravel;

(ii) all submerged lands adjacent to property owned by the United States above the line of mean high tide;

(iii) all submerged lands adjacent to property above the line of mean high tide acquired by the United States by eminent domain proceedings, purchase, exchange, or gift, after the date of enactment of this Act, as required for completion of the Department of the Navy Land Acquisition Project relative to the construction of the Ammunition Pier authorized by the Military Construction Authorization Act, 1971 (84 Stat. 1204), as amended by section 201 of the Military Construction Act, 1973 (86 Stat. 1135);

(iv) all submerged lands filled in, built up, or otherwise reclaimed by the United States, before the date of enactment of this Act, for its own use;

(v) all tracts or parcels of submerged land containing on any part thereof any structures or improvements constructed by the United States;

(vi) all submerged lands that have heretofore been determined by the President or the Congress to be of such scientific, scenic, or historic character as to warrant preservation and administration under the provisions of the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.);<sup>1</sup>

(vii) all submerged lands designated by the President within one hundred and twenty days after the date of enactment of this Act;

(viii) all submerged lands that are within the administrative responsibility of any agency or department of the United States other than the Department of the Interior;

(ix) all submerged lands lawfully acquired by persons other than the United States through purchase, gift, exchange, or otherwise;

(x) all submerged lands within the Virgin Islands National Park established by sections 398 to 398b of title 16, including the lands described in sections 398c and 398d of title 16; and

(xi) all submerged lands within the Buck Island Reef National Monument as described in Presidential Proclamation 3448 dated December 28, 1961.

Upon request of the Governor of Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, or American Samoa, the Secretary of the Interior may, with or without reimbursement, and subject to the procedure specified in subsection (c) of this section convey all right, title, and interest of the United States in any of the lands described in clauses (ii), (iii), (iv), (v), (vi), (vii), or (viii) of this subsection to the government of Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, or American Samoa, as the case may be, with the concurrence of the agency having custody thereof.

<sup>1</sup> See References in Text note below.

**(c) Submittal to Congressional committees of proposals for conveyance of retained lands or rights**

No conveyance shall be made by the Secretary pursuant to subsection (a) or (b) of this section until the expiration of sixty calendar days (excluding days on which the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which the Secretary of the Interior submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an explanatory statement indicating the tract proposed to be conveyed and the need therefor, unless prior to the expiration of such sixty calendar days both committees inform the Secretary that they wish to take no action with respect to the proposed conveyance.

**(d) Oil, gas, and other mineral deposits in submerged lands conveyed to Guam, the Commonwealth of the Northern Mariana Islands, Virgin Islands, and American Samoa; conveyance by United States; existing leases, permits, etc.**

(1) The Secretary of the Interior shall, not later than sixty days after the date of enactment of this subsection, convey to the governments of Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and American Samoa, as the case may be, all right, title, and interest of the United States in deposits of oil, gas, and other minerals in the submerged lands conveyed to the government of such territory by subsection (a) of this section.

(2) The conveyance of mineral deposits under paragraph (1) of this subsection shall be subject to any existing lease, permit, or other interest granted by the United States prior to the date of such conveyance. All rentals, royalties, or fees which accrue after such date of conveyance in connection with any such lease, permit, or other interest shall be payable to the government of the territory to which such mineral deposits are conveyed.

(Pub. L. 93-435, § 1, Oct. 5, 1974, 88 Stat. 1210; Pub. L. 96-205, title VI, § 607, Mar. 12, 1980, 94 Stat. 91; Pub. L. 103-437, § 17(b), Nov. 2, 1994, 108 Stat. 4595; Pub. L. 113-34, § 1(a), Sept. 18, 2013, 127 Stat. 518.)

REFERENCES IN TEXT

The authorization for the construction by the Navy of the Ammunition Pier under the Military Construction Authorization Act, 1971, (84 Stat. 1204), as amended by section 201 of the Military Construction Act, 1973 (86 Stat. 1135), referred to in subsec. (b)(iii), is contained in section 201 of Pub. L. 91-511, Oct. 26, 1970, 84 Stat. 1204, as amended by section 201 of Pub. L. 92-545, Oct. 25, 1972, 86 Stat. 1138, which is not classified to the Code.

The date of enactment of this Act, referred to in subsec. (b)(iii), (iv), and (vii), is the date of enactment of Pub. L. 93-435, which was approved Oct. 5, 1974.

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.), referred to in subsec. (b)(vi), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of Title 16, Conservation, amended sections 22 and 43 of Title 16 and section 1457 of Title 43, Public Lands, and enacted provisions set out as a note under section 1 of Title 16. Sections 1 to

4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

Section 398b of title 16, referred to in subsec. (b)(x), was repealed by Pub. L. 85-404, May 16, 1958, 72 Stat. 112.

The date of enactment of this subsection, referred to in subsec. (d)(1), is the date of enactment of Pub. L. 96-205, which was approved Mar. 12, 1980.

#### AMENDMENTS

2013—Pub. L. 113-34 inserted “the Commonwealth of the Northern Mariana Islands,” after “Guam,” wherever appearing.

1994—Subsec. (c). Pub. L. 103-437 substituted “Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate” for “Committees on Interior and Insular Affairs of the House of Representatives and the Senate”.

1980—Subsec. (c). Pub. L. 96-205, § 607(b), inserted “subsection (a) or (b) of” before “this section”.

Subsec. (d). Pub. L. 96-205, § 607(a), added subsec. (d).

#### REFERENCES TO “DATE OF ENACTMENT”

Pub. L. 113-34, § 1(b), Sept. 18, 2013, 127 Stat. 518, provided that: “For the purposes of the amendment made by subsection (a) [amending this section and section 1706 of this title], each reference in Public Law 93-435 [see Tables for classification] to the ‘date of enactment’ shall be considered to be a reference to the date of the enactment of this section [Sept. 18, 2013].”

#### PROC. NO. 4346. RESERVING CERTAIN LANDS ADJACENT TO AND ENLARGING BOUNDARIES OF BUCK ISLAND REEF NATIONAL MONUMENT IN VIRGIN ISLANDS

Proc. No. 4346, eff. Feb. 1, 1975, 40 F.R. 5127, as amended by Proc. No. 4359, eff. Mar. 28, 1975, 40 F.R. 14565, provided:

The Buck Island Reef National Monument, situated off the northeast coast of Saint Croix Island in the Virgin Islands of the United States, was established by Proclamation No. 3443 of December 28, 1961 (76 Stat. 1441). It now has been determined that approximately thirty acres of submerged land should be added to the monument site in order to insure the proper care and management of the shoals, rocks, undersea coral reef formations and other objects of scientific and historical interest pertaining to this National Monument.

These thirty acres of submerged lands are presently owned in fee by the United States. They will be conveyed to the Government of the Virgin Islands on February 3, 1975, pursuant to Section 1(a) of Public Law 93-435 (88 Stat. 1210) [subsec. (a) of this section], unless the President, under Section 1(b)(vii) of that Act [subsec. (b)(vii) of this section], designates otherwise.

Under Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431) [see 54 U.S.C. 320301(a)-(c)], the President is authorized to declare by public Proclamation objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. The aforementioned thirty acres of submerged lands are contiguous to the site of the Buck Island Reef National Monument, constitute a part of the ecological community of the Buck Island Reef, and will not enlarge the monument boundaries beyond the smallest area compatible with its proper care and management.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the au-

thority vested in me by Section 1(b)(vii) of Public Law 93-435 (88 Stat. 1210) [subsec. (b)(vii) of this section], do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of the Virgin Islands under Section 1(a) of Public Law 93-435 [subsec. (a) of this section]; and, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431) [see 54 U.S.C. 320301(a)-(c)], do hereby proclaim that, subject to valid existing rights, the lands hereinafter described are hereby added to and made a part of the Buck Island Reef National Monument, and Proclamation No. 3443 of December 28, 1961, establishing the Buck Island Reef National Monument is amended accordingly.

Beginning at latitude 17°47'30" N. longitude 64°36'32" W; thence approximately 1000 feet to latitude 17°47'27" N, longitude 64°36'22" W; thence approximately 900 feet to latitude 17°47'18" N, longitude 64°36'22" W; thence approximately 1000 feet to latitude 17°47'15" N, longitude 64°36'32" W; thence approximately 1500 feet to latitude 17°47'30" N, longitude 64°36'32" W, then place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD.

#### PROC. NO. 4347. RESERVING CERTAIN SUBMERGED LANDS ADJACENT TO ROSE ATOLL NATIONAL WILDLIFE REFUGE IN AMERICAN SAMOA AND CERTAIN SUBMERGED LANDS FOR DEFENSE NEEDS OF UNITED STATES IN GUAM AND VIRGIN ISLANDS

Proc. No. 4347, eff. Feb. 1, 1975, 40 F.R. 5129, provided:

The submerged lands surrounding the Rose Atoll National Wildlife Refuge in American Samoa are necessary for the protection of the Atoll's marine life, including the green sea and hawksbill turtles. The submerged lands in Apra Harbor and those adjacent to Inapsan Beach and Urano Point in Guam, and certain submerged lands on the west coast of St. Croix, United States Virgin Islands are required for national defense purposes. These submerged lands in American Samoa, Guam and the United States Virgin Islands will be conveyed to the Government of those territories, on February 3, 1975, pursuant to Section 1(a) of Public Law 93-435 (88 Stat. 1210) [subsec. (a) of this section], unless the President, under Section 1(b)(vii) of that Act [subsec. (b)(vii) of this section], designates otherwise.

NOW, THEREFORE, I GERALD R. FORD, President of the United States of America, by virtue of authority vested in me by Section 1(b)(vii) of Public Law 93-435 (88 Stat. 1210) [subsec. (b)(vii) of this section], do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of American Samoa, the Government of Guam and the Government of the United States Virgin Islands under Section 1(a) of Public Law 93-425. [subsec. (a) of this section].

*American Samoa.* The submerged lands adjacent to Rose Atoll located 78 miles east-southeast of Tau Island in the Manua Group at latitude 14°32'52" south and longitude 168°08'34" west, which lands shall be under the joint administrative jurisdiction of the Department of Commerce and the Department of the Interior.

*Guam.* (1) The submerged lands of inner and outer Apra Harbor; and, (2) the submerged lands adjacent to the following uplands: (a) Unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces, Marianas Y & D Drawing Numbered 597-464, lying between the seaward boundaries of Lots Numbered 9992 through 9997 and the mean high tide, containing an undetermined area of land, (b) unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces, Marianas Y & D Drawing Numbered 597-464, lying between the seaward boundary of Lot Numbered 10080 and the line of mean high tide, containing an undetermined amount of land, and (c) Lot Numbered PO 4.1 in the Municipality of

Machanao, Guam, as delineated on Y & D Drawing Numbered 597-464, more particularly described as surveyed land bordered on the north by Lot Numbered 10080, Machanao, east by Northwest Air Force Base, south by U. S. Naval Communication Station (Finegayan) and west by the sea containing a computed area of 125.50 acres, more or less. All of the above lands within the territory of Guam shall be under the administrative jurisdiction of the Department of the Navy.

*The Virgin Islands.* (1) The submerged lands as described in the Code of Federal Regulations revised as of July 1, 1974, cited as 33 CFR 207.817 areas "A" & "B", (2) the submerged lands seaward of the 100 fathom curve off the coast of St. Croix beginning at a point 17°40'30" N and ending at a point 17°46'30" North as depicted on Coast and Geodetic Survey Chart Numbered 25250, Third Edition; Title: St. Croix, Virgin Islands Underwater Range, and (3) the submerged lands seaward of the Underwater Range Operational Control Center, St. Croix, Virgin Islands presently leased to the Department of the Navy and described as Plot 1B18 of Estate Sprat Hall subdivision, located in northside Quarter "A", St. Croix containing 4.84 acres of land. All of the above lands within the territory of the Virgin Islands shall be under the administrative jurisdiction of the Department of the Navy.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD.

PROC. NO. 9077. RESERVING CERTAIN SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Proc. No. 9077, Jan. 15, 2014, 79 F.R. 3479, provided:

The submerged lands surrounding the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands are among the most biologically diverse in the Western Pacific, with relatively pristine coral reef ecosystems that have been proclaimed objects of scientific interest and reserved for their protection as the Islands Unit of the Marianas Trench Marine National Monument (marine national monument) by Proclamation 8335 of January 6, 2009. Certain submerged lands adjacent to the land leased by the United States of America on the islands of Tinian and Farallon de Medinilla under the Lease Agreement Made Pursuant to the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, dated January 6, 1983, as amended (Lease) are essential for ensuring that United States forces forward deployed to the Western Pacific are adequately trained and ready to respond immediately and effectively to orders from the National Command Authority, and for ensuring the safety of citizens of the Commonwealth of the Northern Mariana Islands.

Certain of these submerged lands will be conveyed by the United States to the Government of the Commonwealth of the Northern Mariana Islands on January 16, 2014, pursuant to section 1(a) of Public Law 93-435, as amended by section 1 of Public Law 113-34 (the "Act"), unless the President designates otherwise pursuant to section 1(b)(vii) of the Act.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of authority vested in me by section 1(b)(vii) of the Act, do hereby proclaim that the lands hereinafter described are excepted from transfer to the Government of the Commonwealth of the Northern Mariana Islands under section 1(a) of the Act:

the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion permanently covered by tidal waters up to the mean low water line and extending three geographical miles seaward from the mean high tide line; and

the submerged lands adjacent to the islands of Tinian and Farallon de Medinilla permanently or periodically

covered by tidal waters up to the line of mean high tide and extending seaward to a line three geographical miles distant from those areas of the coastline that are adjacent to the leased lands described in the Lease.

Nothing in this proclamation is intended to affect the authority of the Secretary of the Interior (Secretary) under section 1(b) of the Act to subsequently convey the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion when the Secretary, the Secretary of Commerce, and the Government of the Commonwealth of the Northern Mariana Islands have entered into an agreement for coordination of management that ensures the protection of the marine national monument within the excepted area described above. Furthermore, nothing in this proclamation is intended to affect the authority of the Secretary under section 1(b) of the Act to subsequently convey the submerged lands adjacent to the land leased by the United States on the islands of Tinian or Farallon de Medinilla when the Secretary of the Navy and the Government of the Commonwealth of the Northern Mariana Islands have entered into an agreement that ensures protection of military training within the excepted area.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

BARACK OBAMA.

§ 1706. Reserved rights

(a) Establishment of naval defense sea areas and airspace reservations

Nothing in this Act shall affect the right of the President to establish naval defensive sea areas and naval airspace reservations around and over the islands of Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands when deemed necessary for national defense.

(b) Navigation; flood control; power production

Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of the lands transferred by section 1705 of this title, and the navigable waters overlying such lands, for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power.

(c) Navigational servitude and powers of regulation for purposes of commerce, navigation, national defense, and international affairs

The United States retains all of its navigational servitude and rights in and powers of regulation and control of the lands conveyed by section 1705 of this title, and the navigable waters overlying such lands, for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically conveyed to the government of Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, or American Samoa, as the case may be, by section 1705 of this title.