

schedule of payments contained in the Agreement of the Special Representatives on Future United States Financial Assistance for the Government of the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a $\frac{1}{6}$ share and the island of Saipan shall receive no less than a $\frac{1}{4}$ share of annualized capital improvement project funds, which shall be no less than 80 per centum of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives. Funds shall be granted according to such regulations as are applicable to such grants.

(Pub. L. 94-241, §3, as added Pub. L. 99-396, §10, Aug. 27, 1986, 100 Stat. 840.)

Editorial Notes

REFERENCES IN TEXT

The Covenant, referred to in text, is the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

Statutory Notes and Related Subsidiaries

USE OF ECONOMIC DEVELOPMENT LOAN FUNDS FOR CAPITAL IMPROVEMENT PROJECTS

Pub. L. 99-396, §2, Aug. 27, 1986, 100 Stat. 838, authorized use of up to \$4,000,000 of funds reserved for use by the economic development loan fund, as established under section 702(c) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. 1801 note, for capital improvement projects, if such funds became available for use by the economic development loan fund, and were not obligated for economic development loans.

§ 1804. Direct grant assistance

(a) Composite price index adjustments not applicable

Section 704(c) of the foregoing Covenant shall not apply to the Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 1803 of this title.

(b) Additional years of assistance

Upon the expiration of the period of Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 1803 of this title, payments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years except that, for fiscal years 1996 through 1999, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be \$11,000,000 annually and for fiscal year 2000, payments to the Commonwealth of the

Northern Mariana Islands shall be \$5,580,000, but shall return to the level of \$11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be \$5,420,000. Such payments shall be subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

(c) Specific allocations for capital infrastructure projects

The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

(1) for fiscal years 1996 through 2001, \$4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 1904(e)(6)¹ of this title;

(2) for fiscal year 1996, \$7,700,000 shall be provided for capital infrastructure projects in American Samoa; \$4,420,000 for resettlement of Rongelap Atoll; and²

(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands, except that \$200,000 in fiscal year 2009 and \$225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress³ *Provided*, That, in fiscal year 1997, \$3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed \$3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest

¹ See References in Text note below.

² So in original. The word "and" probably should not appear.

³ So in original. Probably should be followed by a colon.

priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed \$2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed \$10,000,000 at any time.⁴

(4) for fiscal year 2000, \$5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.

(d) Resettlement of Rongelap Atoll

Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: *Provided*, That the total of all contributions from any Federal source after April 26, 1996, may not exceed \$32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap⁵ Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 1905(c)(2) of this title including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.

(Pub. L. 94-241, §4, as added Pub. L. 99-396, §10, Aug. 27, 1986, 100 Stat. 841; amended Pub. L. 104-134, title I, §101(c) [title I, §118], Apr. 26, 1996, 110 Stat. 1321-156, 1321-178; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 106-113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-152; Pub. L. 110-229, title VII, §703, May 8, 2008, 122 Stat. 867.)

Editorial Notes

REFERENCES IN TEXT

The Covenant, referred to in subsec. (a), is the Covenant to Establish a Commonwealth of the Northern

Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title.

Section 1904(e)(6) of this title, referred to in subsec. (c)(1), was in the original "section 104(c)(6) of Public Law 99-239", which was translated as meaning section 104(e)(6) of Pub. L. 99-239 to reflect the probable intent of Congress, because section 1904(c) does not contain pars. and section 1904(e)(6) relates to impact aid.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.

April 26, 1996, referred to in subsec. (d), was in the original "enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 104-134, which added subsec. (d) of this section, to reflect the probable intent of Congress.

AMENDMENTS

2008—Subsec. (c)(3). Pub. L. 110-229 substituted "Marshall Islands, except that \$200,000 in fiscal year 2009 and \$225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress" for "Marshall Islands:".

1999—Subsec. (b). Pub. L. 106-113 substituted "fiscal years 1996 through 1999" for "fiscal years 1996 through 2002" and "\$11,000,000 annually and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be \$5,580,000, but shall return to the level of \$11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be \$5,420,000. Such payments shall be" for "\$11,000,000 annually,".

Subsec. (c)(4). Pub. L. 106-113 added par. (4).

1996—Subsec. (b). Pub. L. 104-134 substituted "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be \$11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law." for "until Congress otherwise provides by law."

Subsecs. (c), (d). Pub. L. 104-134 added subsecs. (c) and (d).

§ 1805. Failure to meet performance standards; resolution of issues; withholding of funds

Should the Secretary of the Interior believe that the performance standards of the agreement identified in section 1803 of this title are not being met, he shall notify the Government of the Northern Mariana Islands in writing with the intent to resolve such issue in a mutually agreeable and expeditious manner and notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Should the issue not be resolved within thirty days after the notification is received by the Government of the Northern Mariana Islands, the Secretary of the Interior may request authority from Congress to withhold payment of

⁴ So in original. The period probably should be "; and".

⁵ So in original. Probably should be "Rongelap".