

Sec.

- (d) Oil, gas, and other mineral deposits in submerged lands conveyed to Guam, Virgin Islands, and American Samoa; conveyance by United States; existing leases, permits, etc.
1706. Reserved rights.
- (a) Establishment of naval defense sea areas and airspace reservations.
- (b) Navigation; flood control; power production.
- (c) Navigational servitude and powers of regulation for purposes of commerce, navigation, national defense, and international affairs.
- (d) Status of lands beyond the three-mile limit.
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 Repealed.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, Virgin Islands, and American Samoa

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

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

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

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

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

(iii) all submerged lands adjacent to property above the line of mean high tide acquired by the United States by eminent domain proceedings, purchase, exchange, or gift, after October 5, 1974, as required for completion of the Department of the Navy Land Acquisition Project relative to the construction of the Ammunition Pier authorized by the Military Construction Authorization Act, 1971 (84 Stat. 1204), as amended by section 201 of the Military Construction Act, 1973 (86 Stat. 1135);

(iv) all submerged lands filled in, built up, or otherwise reclaimed by the United States, before October 5, 1974, for its own use;

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

(vi) all submerged lands that have heretofore been determined by the President or the Congress to be of such scientific, scenic, or historic character as to warrant preservation and administration under the provisions of sections 1, 2, 3, and 4 of title 16;