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Sec. 1541. - Organization and status

(a) Composition and territorial designation

The provisions of this chapter and the name "Virgin Islands" as used in this chapter, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are declared an unincorporated territory of the United States of America.

(b) Powers and legal status of government; capital and seat of government

The government of the Virgin Islands shall have the powers set forth in this chapter and shall have the right to sue by such name and in cases arising out of contract, to be sued: Provided, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by subchapter III of this chapter.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

(c) Administrative supervision by Secretary of the Interior

The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior

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United States & United States of America are different entities with Virgin Islands becoming a unincorporated territory of the U.S.A.

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Sec. 1397. - Income tax laws of United States in force; payment of proceeds; levy of surtax on all taxpayers

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands: Provided further, That, notwithstanding any other provision of law, the Legislature of the Virgin Islands is authorized to levy a surtax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the government of the Virgin Islands

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Since we know IRC is special law and applies only to Federal Zone this reference about income tax laws in force in the United States of America can only mean the U.S.A. is part of the Federal Zone.

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Sec. 1421i. - **Income tax**

(a) Applicability of Federal laws; separate tax

The income-tax laws in force in the United States of **America** and those which may hereafter be enacted shall be held to be likewise in force in Guam: Provided, That notwithstanding any other provision of law, the Legislature of Guam may levy a separate tax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam.

(b) Guam Territorial income tax

The income-tax laws in force in Guam pursuant to subsection (a) of this section shall be deemed to impose a separate Territorial income tax, payable to the government of Guam, which tax is designated the "Guam Territorial income tax".

(c) Enforcement of tax

The administration and enforcement of the Guam Territorial income tax shall be performed by or under the supervision of the Governor. Any function needful to the administration and enforcement of the income-tax laws in force in Guam pursuant to subsection (a) of this section shall be performed by any officer or employee of the government of Guam duly authorized by the Governor (either directly, or indirectly by one or more redelegations of authority) to perform such function.

(d) "Income-tax laws" defined; administration and enforcement; rules and regulations

(1)

The income-tax laws in force in Guam pursuant to subsection (a) of this section include but are not limited to the following provisions of the Internal Revenue Code of 1986, where not manifestly inapplicable or incompatible with the intent of this section: Subtitle A ([26 U.S.C. 1](#) et seq.) (not including chapter 2 ([26 U.S.C. 1401](#) et seq.) and section 931 ([26 U.S.C. 931](#))); chapters 24 and 25 of subtitle C ([26 U.S.C. 3401](#) et seq. and [3501](#) et seq.), with reference to the collection of income tax at source on wages; and all provisions of subtitle F ([26](#)

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Sec. 1801. - Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the text of which is as follows, is hereby approved

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Northern Mariana Islands (Federal Zone) in Political Union with the United States of America.

Bill Summary & Status for the 94th Congress

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H.J.RES.549

Public Law: 94-241 (3/24/76)

SPONSOR: [Rep Burton, Phillip](#) (introduced 7/10/75)

SUMMARY AS OF:

(REVISED AS OF 01/27/76 -- Reported jointly to Sen. from the Comms. on Armed Services; and Foreign Relations with amendment, S. Rept 94-596)

Provides that, subject to the approval by the United States, the Mariana Islands District Legislature, and the people of the Northern Mariana Islands, this covenant shall establish the Commonwealth of the Northern Mariana Islands. States that the Commonwealth shall be in political union with, and under the sovereignty of, the United States of America.

States that the people of the Northern Mariana Islands will formulate and approve a Constitution, subject to United States approval. Requires that the Constitution provide for a republican form of government with separate executive, legislative and judicial branches, and that it contain a bill of rights.

Provides that all persons who are citizens of the Northern Mariana Islands shall become citizens of the United States entitled to all privileges and immunities of citizens in the several States of the United States.

Establishes within the Commonwealth the District Court for the Northern Mariana Islands. Defines the jurisdiction of the court.

Specifies those laws and provisions of the United States Constitution which shall apply to the Commonwealth.

Directs the President to appoint a seven-member Commission on Federal laws to make recommendations to the United States Congress as to which laws should be made applicable to the Commonwealth.

Provides that with limited exceptions the Northern Mariana Islands will be deemed to be a part of the United States under the Immigration and Nationality Act.

Makes the income tax laws in force in the United States applicable to the Northern Mariana Islands as a local territorial income tax. Provides that references in the Internal Revenue Code to Guam will be deemed also to refer to the Northern Mariana Islands.

States that the Commonwealth shall not be included within the customs territory of the United States.

Directs that the Trust Territory Social Security Retirement Fund attributable to the Northern Mariana Islands be transferred to the Treasury of the United States, to be held in trust as a separate fund and to be known as the "Northern Mariana Islands Social Security Retirement Fund." Provides that the fund will be administered by the United States in accordance with the social security laws of the Trust Territory of the Pacific Islands.

Exempts all bonds and other obligations issued by the Government of the Northern Mariana Islands from taxation by the United States.

Establishes a program of direct grant assistance by the Government of the United States to the Commonwealth in its efforts to achieve a higher standard of living. States that such assistance shall continue for seven fiscal years. Provides \$8,250,000 for budgetary support, \$4,000,000 for capital improvement projects and \$1,750,000

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All judicial process shall run in the name of "United States of America", ss, the President of the "United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico." All officials shall be citizens of the "United States", and, before entering upon the duties of their respective offices, shall take an oath to support the "Constitution of the United States" and the laws of Puerto Rico

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In law "words and terms" are everything so we must understand the use of U.S. and U.S.A. has important "distinct" legal meanings.

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Sec. 635k. - Apportionment of losses incurred on loans, guarantees, and insurance; reimbursement; contingent obligations

In the event of any losses, as determined by the Board of Directors of the Bank, incurred on loans, guarantees, and insurance extended under this subchapter, the first \$100,000,000 of such losses shall be borne by the Bank; the second \$100,000,000 of such losses shall be borne by the Secretary of the Treasury; and any losses in excess thereof shall be borne by the Bank. Reimbursement of the Bank by the Secretary of the Treasury of the amount of losses which are to be borne by the Secretary of the Treasury as aforesaid shall be from funds made available pursuant to section [635l](#) of this title. All guarantees and insurance issued by the Bank shall be considered contingent obligations backed by the full faith and credit of the **Government of the United States of America**

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Government of the United States of America is different from government of the United States.

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Sec. 101. - Enacting clause

The enacting clause of all Acts of Congress shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of **America** in Congress assembled."

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The vast majority of the Acts of Congress apply only to the Federal Zone.

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Sec. 14. - Applicability to Canal Zone; definition

(a)

In addition to the sections of this title which by their terms apply to and within the Canal Zone, the following sections of this title, as amended from time to time, apply to and within the Canal Zone: 6, 8, 11, 201, 202, 203, 205, 207, 208, 209, 210, 211, 218, 287, 331, 371, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 505, 506, 507, 508, 509, 594, 595, 598, 600, 601, 604, 605, 703, 752, 755, 756, 792, 793, 794, 795, 796, 797, 798, 798A, 799, 915, 917, 951, 953, 954, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 1001, 1017, 1024, 1073, 1301, 1364, 1381, 1382, 1542, 1543, 1544, 1546, 1584, 1621, 1622, 1761, 1821, 1991, 2151, 2152, 2153, 2154, 2155, 2156, 2157, [\[1\]](#) 2199, 2231, 2234, 2235, 2274, 2275, 2277, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, 2421, 2422, 2423, 2424, 3042, 3059, 3105, 3109, 3187, 3195, 3500.

(b)

The term "Canal Zone", as used in the sections of this title which by their terms apply to and within the Canal Zone, and as used in subsection (a) of this section, includes the area designated as the Canal Zone by sections 1 and 2 of Title 2, Canal Zone Code; and it also includes the corridor over which the United States of **America** exercises jurisdiction pursuant to the provisions of Article IX of the General Treaty of Friendship and Cooperation between the United States of **America** and the Republic of Panama, signed March 2, 1936, to the extent that the application, to the corridor, of the sections mentioned in this subsection, and of those specified in subsection (a) of this section, is consistent with the nature of the rights of the United States in the corridor as provided by treaty.

(c)

The definitions of the terms prescribed by sections 5 and 10, or other sections of this title, are modified to effectuate the applicability of the sections enumerated by subsection (a) of this section to and within the Canal Zone

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Sec. 168. - Constitution of the United States; preparation and publication of revised edition; annotations; supplements; decennial editions and supplements

The Librarian of Congress shall have prepared -

(1)

a hardbound revised edition of the Constitution of the United States of **America** - Analysis and Interpretation, published as **Senate Document Numbered 39**, Eighty-eighth Congress (referred to hereinafter as the "Constitution Annotated"), which shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971 term of the Supreme Court, construing provisions of the Constitution;

(2)

upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3)

upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4)

upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution

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The Constitution

of the

United States of America

Public Law 91-589: Authorization

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AUTHORIZATION

PUBLIC LAW 91-589, 84 STAT. 1585, 2 U.S.C. Sec. 168

JOINT RESOLUTION Authorizing the preparation and printing of a revised edition of the Constitution of the United States of America-- Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

Whereas the Constitution of the United States of America--Analysis and Interpretation, published in 1964 as Senate Document Numbered 39, Eighty-eighth Congress, serves a very useful purpose by supplying essential information, not only to the Members of Congress but also to the public at large;

Whereas such document contains annotations of cases decided by the Supreme Court of the United States to June 22, 1964;

Whereas many cases bearing significantly upon the analysis and interpretation of the Constitution have been decided by the Supreme Court since June 22, 1964;

Whereas the Congress, in recognition of the usefulness of this type of document, has in the last half century since 1913, ordered the preparation and printing of revised editions of such a document on six occasions at intervals of from ten to fourteen years; and

Whereas the continuing usefulness and importance of such a document will be greatly enhanced by revision at shorter intervals on a regular schedule and thus made more readily available to Members and Committees by means of pocket-part supplements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress shall have prepared--

(1) a hardbound revised edition of the Constitution of the United States of America--Analysis and Interpretation, published as Senate Document Numbered 39, Eighty-eighth Congress (referred to hereinafter as the ``Constitution Annotated''), which

shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971

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term of the Supreme Court, construing provisions of the Constitution;

(2) upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3) upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4) upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution Annotated, which shall contain cumulative annotations of all such decisions rendered by the Supreme Court which were not included in that hardbound decennial revised edition of the Constitution Annotated.

Sec. 2. All hardbound revised editions and all cumulative pocket-part supplements shall be printed as Senate documents.

Sec. 3. There shall be printed four thousand eight hundred and seventy additional copies of the hardbound revised editions prepared pursuant to clause (1) of the first section and of all cumulative pocket-part supplements thereto, of which two thousands six hundred and thirty-four copies shall be for the use of the House of Representatives, one thousand two hundred and thirty-six copies shall be for the use of the Senate, and one thousand copies shall be for the use of the Joint Committee on Printing. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, newly elected subsequent to the issuance of the hardbound revised edition prepared pursuant to such clause and prior to the first hardbound decennial revised edition, who did not receive a copy of the edition prepared pursuant to such clause, shall,

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upon timely request, receive one copy of such edition and the then current cumulative pocket-part supplement and any further supplements thereto. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, no longer serving after the issuance of the hardbound revised edition prepared pursuant to such clause and who received such edition, may receive one copy of each cumulative pocket-part supplement thereto upon timely request.

Sec. 4. Additional copies of each hardbound decennial revised edition and of the cumulative pocket-part supplements thereto shall be printed and distributed in accordance with the provisions of any concurrent resolution hereafter adopted with respect thereto.

Sec. 5. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of this joint resolution.

Approved December 24, 1970.



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106TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ DOCUMENT
No. 106-214

THE
CONSTITUTION
OF THE
UNITED STATES
OF AMERICA

As Amended

—
Unratified Amendments

—
Analytical Index



PRESENTED BY MR. HYDE

January 31, 2000 • Ordered to be printed

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 2000

The CONSTITUTION of the United States

We the People
insure domestic Tranquility, provide for the common defence
and our Posterity, do ordain and establish this Constitution.

Article I.

Section 1. All legislative Powers herein granted shall be
of Representatives.

Section 2. The House of Representatives shall be composed
in each State shall have ^{the} Qualifications requisite for Electors of the same.
No Person shall be a Representative who shall not have
and who shall not, when elected, be an Inhabitant of that State in which
Representatives and direct Taxes shall be apportioned among
Numbers, which shall be determined, by adding to the whole Number
not taxed, three fifths of all other Persons. The actual Enumeration
and within every subsequent Term of ten Years, in such Manner
thirty Thousand, but each State shall have at least one Representative
entitled to choose three; Massachusetts eight; Rhode Island and
eight; Delaware one; Maryland one; Virginia ten; North Carolina

When vacancies happen in the Representation from any
The House of Representatives shall choose their Speaker or
Section 3. The Senate of the United States shall be composed of

and The Declaration of Independence

such Vacancies.

No Person shall be a Senator who shall not have attained
to 30 Years of Age, and be seven Years an Inhabitant of that State for which he shall

**The Declaration of Independence
was the promise; the
Constitution was the fulfillment.**

**“The sacred rights of mankind
are not to be rummaged for,
among old parchments, or musty
records. They are written, as
with a sun beam in the whole
volume of human nature, by the
hand of the divinity itself; and
can never be erased or obscured
by mortal power.”**

Alexander Hamilton, 1775



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Sec. 10. - Modification of rules and customs by President

Any rule or custom pertaining to the display of the flag of the United States of **America**, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation

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President as Commander in Chief of military of the United States set the Flag policy for the United States of America. Why? Unless the U.S.A. is a territory owned by the United States.



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Sec. 3. - Use of flag for advertising purposes; mutilation of flag

Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, colors, or ensign", as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America

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Sec. 72a. - **Acquisition of land by Commission** subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property

The authority of the National Capital Planning Commission, established by section [71](#) of this title, is enlarged as follows:

Said Commission is authorized to acquire, for and in **behalf of the United States of America**, by gift, devise, purchase, or condemnation, in accordance with the provisions of sections [71](#) to [71i](#), [72](#), [73](#), and [74](#) of this title,

(1)

fee title to land subject to limited rights, but not for business purposes, reserved to the grantor: Provided, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: Provided further, That in the opinion of said Commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto;

(2)

permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: Provided, That in the opinion of said Commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: Provided further, That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be **subject to the approval of the President of the United States**

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Here the U.S.A. acquiring land but "subject to" approval from the President of the United States.

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Title to lands or any interest therein **acquired** pursuant to sections **463d to 463g** of this title for Indian use shall be taken in the name of the **United States of America** in trust for the tribe or individual Indian for which acquired

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Title to lands "acquired" [owned by] by United States of America and held in trust for indians use..



Program Statement

OPI: CPD
NUMBER: 5140.34
DATE: 9/21/2000
SUBJECT: Transfer of Offenders
to or from Foreign
Countries

1. [PURPOSE AND SCOPE §527.40. Public Law 95-144 (18 U.S.C. 4100 et seq.) authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a current treaty which provides for such transfer. 18 U.S.C. 4102 authorizes the Attorney General to act on behalf of the United States in regard to such treaties. In accordance with the provisions of 28 CFR 0.96b, the Attorney General has delegated to the Director of the Bureau of Prisons, and to designees of the Director, the authority to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of the treaty.]

28 CFR 0.96b provides that:

"The Director of the Bureau of Prisons and officers of the Bureau of Prisons designated by her are authorized to receive custody of offenders and to transfer offenders to and from the United States of America under a treaty as referred to in Public Law 95-144; to make arrangements with the States and to receive offenders from the States for transfer to a foreign country; to act as an agent of the United States to receive the delivery from a foreign government of any person being transferred to the United States under such a treaty; to render to foreign countries and to receive from them certifications and reports required under a treaty; and to receive custody and carry out the sentence of imprisonment of such a transferred offender as required by that statute and any such treaty."

[Bracketed Bold - Rules]

Regular Type - Implementing Information

Transfer of prisoners between United States and United States of America under treaty !!



- **TITLE 18--APPENDIX**
 - **INTERSTATE AGREEMENT ON DETAINERS**

Pub. L. 91-538, Dec. 9, 1970, 84 Stat. 1397, as amended by Pub. L. 100-690, title VII, § 7059, Nov. 18, 1988, 102 Stat. 4403

§ 1. Short title

This Act may be cited as the "Interstate Agreement on Detainers Act".

(Pub. L. 91-538, § 1, Dec. 9, 1970, 84 Stat. 1397.)

§ 2. Enactment into law of Interstate Agreement on Detainers

The Interstate Agreement on Detainers is hereby enacted into law and entered into by the United States on its own behalf and on behalf of the District of Columbia with all jurisdictions legally joining in substantially the following form:

"The contracting States solemnly agree that:

"Article I

"The party States find that charges outstanding against a prisoner, detainees based on untried indictments, informations, or complaints and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party States and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations, or complaints. The party States also find that proceedings with reference to such charges and detainees, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

"Article II

"As used in this agreement:

Most plain definition U.S.A. is considered a "State" which is under the United States control [Federal Zone].

"(a) 'State' shall mean a State of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

"(b) 'Sending State' shall mean a State in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to article III hereof or at the time that a request for custody or availability is initiated pursuant to article IV hereof.

"(c) 'Receiving State' shall mean the State in which trial is to be had on an indictment, information, or complaint pursuant to article III or article IV hereof.

"Article III

"(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party State, and whenever during the continuance of the term of imprisonment there is pending in any other party State any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred and eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint: *Provided*, That, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decision of the State parole agency relating to the prisoner.

"(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

"(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

"(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the State to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the State to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

"(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving State to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending State. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

"(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

"Article IV

"(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party State made available in accordance with article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the State in which the prisoner is incarcerated: *Provided*, That the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request: *And provided further*, That there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the Governor of the sending State may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

"(b) Upon request of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the State parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving State who has lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

"(c) In respect of any proceeding made possible by this article, trial shall be commenced within one hundred and twenty days of the arrival of the prisoner in the receiving State, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

"(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending State has not affirmatively consented to or ordered such delivery.

"(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to article V(e) hereof, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

"Article V

"(a) In response to a request made under article III or article IV hereof, the appropriate authority in a sending State shall offer to deliver temporary custody of such prisoner to the appropriate authority in the State where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in article III of this agreement. In the case of a Federal prisoner, the appropriate authority in the receiving State shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in Federal custody at the place of trial, whichever custodial arrangement may be approved by the custodian.

"(b) The officer or other representative of a State accepting an offer of temporary custody shall present the following upon demand:

"(1) Proper identification and evidence of his authority to act for the State into whose temporary custody this prisoner is to be given.

"(2) A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

"(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in article III or article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

"(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

"(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending State.

"(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

"(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending State and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

"(h) From the time that a party State receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending State, the State in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the States concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party State, or between a party State and its subdivisions, as to the payment of costs, or responsibilities therefor.

"Article VI

"(a) In determining the duration and expiration dates of the time periods provided in articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

"(b) No provision of this agreement, and no remedy made available by this agreement shall apply to any person who is adjudged to be mentally ill.

"Article VII

"Each State party to this agreement shall designate an officer who, acting jointly with like officers of other party States, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the State, information necessary to the effective operation of this agreement.

"Article VIII

"This agreement shall enter into full force and effect as to a party State when such State has enacted the same into law. A State party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any State shall not affect the status of any proceedings already initiated by inmates or by State officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

"Article IX

"This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any State party hereto, the agreement shall remain in full force and effect as to the remaining States and in full force and effect as to the State affected as to all severable matters."

(Pub. L. 91-538, § 2, Dec. 9, 1970, 84 Stat. 1397.)

§ 3. Definition of term "Governor" for purposes of United States and District of Columbia

The term "Governor" as used in the agreement on detainers shall mean with respect to the United States, the Attorney General, and with respect to the District of Columbia, the Mayor of the District of Columbia.

(Pub. L. 91-538, § 3, Dec. 9, 1970, 84 Stat. 1402.)

TRANSFER OF FUNCTIONS

"Mayor of the District of Columbia" substituted in text for "Commissioner of the District of Columbia" pursuant to section 421 of Pub. L. 93-198. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3, of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by Office of Mayor of District of Columbia by section 421 of Pub. L. 93-198.

§ 4. Definition of term "appropriate court"

The term "appropriate court" as used in the agreement on detainers shall mean with respect to the United States, the courts of the United States, and with respect to the District of Columbia, the courts of the

District of Columbia, in which indictments, informations, or complaints, for which disposition is sought, are pending.

(Pub. L. 91-538, § 4, Dec. 9, 1970, 84 Stat. 1402.)

§ 5. Enforcement and cooperation by courts, departments, agencies, officers, and employees of United States and District of Columbia

All courts, departments, agencies, officers, and employees of the United States and of the District of Columbia are hereby directed to enforce the agreement on detainees and to cooperate with one another and with all party States in enforcing the agreement and effectuating its purpose.

(Pub. L. 91-538, § 5, Dec. 9, 1970, 84 Stat. 1402.)

§ 6. Regulations, forms, and instructions

For the United States, the Attorney General, and for the District of Columbia, the Mayor of the District of Columbia, shall establish such regulations, prescribe such forms, issue such instructions, and perform such other acts as he deems necessary for carrying out the provisions of this Act.

(Pub. L. 91-538, § 6, Dec. 9, 1970, 84 Stat. 1403.)

TRANSFER OF FUNCTIONS

"Mayor of the District of Columbia" substituted in text for "Commissioner of the District of Columbia" pursuant to section 421 of Pub. L. 93-198. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by Office of Mayor of District of Columbia by section 421 of Pub. L. 93-198.

§ 7. Reservation of right to alter, amend, or repeal

The right to alter, amend, or repeal this Act is expressly reserved.

(Pub. L. 91-538, § 7, Dec. 9, 1970, 84 Stat. 1403.)

§ 8. Effective Date

This Act shall take effect on the ninetieth day after the date of its enactment.

(Pub. L. 91-538, § 8, Dec. 9, 1970, 84 Stat. 1403.)

REFERENCES IN TEXT

The date of its enactment, referred to in text, means Dec. 9, 1970.

§ 9. Special Provisions when United States is a Receiving State

Notwithstanding any provision of the agreement on detainees to the contrary, in a case in which the United States is a receiving State--

(1) any order of a court dismissing any indictment, information, or complaint may be with or without prejudice. In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: The seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a re prosecution on the administration of the agreement on detainees and on the administration of justice; and

(2) it shall not be a violation of the agreement on detainees if prior to trial the prisoner is returned to the custody of the sending State pursuant to an order of the appropriate court issued after reasonable notice to the prisoner and the United States and an opportunity for a hearing.

(Pub. L. 91-538, § 9, as added Pub. L. 100-690, title VII, § 7059, Nov. 18, 1988, 102 Stat. 4403.)

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(Last updated May 10, 2002)