

Street produced south 80 degrees 47 minutes 30.6 seconds east, the distance of 523.908 feet to a point on the pierhead line of the Delaware River (approved by the Secretary of War on September 10, 1940);

thence extending along the said pierhead line the following courses and distances, (1) south 17 degrees 52 minutes 48.5 seconds west, 605.262 feet to a point; (2) south 14 degrees 14 minutes 14.7 seconds west, 1,372.530 feet to a point; (3) south 10 degrees 37 minutes 35.3 seconds west, 1,252.160 feet to a point; (4) south 8 degrees 23 minutes 50.4 seconds west, 1,450.250 feet to a point; (5) south 2 degrees 22 minutes 45.9 seconds west, 1,221.670 feet to a point; (6) south 1 degree 4 minutes 36 seconds east, 1,468.775 feet to a point on the north house line of Catherine Street extended, thence extending north 76 degrees 56 minutes 29.2 seconds west, the distance of 555.911 feet to the first mentioned point and place of beginning is hereby declared not to be a navigable water of the United States within the meaning of the Constitution and laws of the United States, and the consent of Congress is hereby given, for the filling or erection of permanent structures in all or any part of the described area.

SEC. 2. This declaration shall apply only to portions of the above-described area which are filled or occupied by permanent structures. No such filling or erection of structures in the above-described area shall be commenced until the plans therefor have been approved by the Secretary of the Army who shall, prior to granting such approval, give consideration to all factors affecting the general public interest and the impact of the proposed work on the environment.

Approved October 31, 1972.

Public Law 92-606

AN ACT

October 31, 1972
[H. R. 14628]

To amend the Internal Revenue Code of 1954 with respect to the tax laws applicable to Guam, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES.

(a) **IN GENERAL.**—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to possessions of the United States) is amended by adding at the end thereof the following new section:

“SEC. 935. COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES.

“(a) **APPLICATION OF SECTION.**—This section shall apply to any individual for the taxable year who—

“(1) is a resident of Guam,

“(2) is a citizen of Guam but not otherwise a citizen of the United States,

“(3) has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

“(4) files a joint return for the taxable year with an individual who satisfies paragraph (1), (2), or (3) for the taxable year.

“(b) **FILING REQUIREMENT.**—

“(1) **IN GENERAL.**—Each individual to whom this section

USC prec.
title 1.

United States
and Guam.
Income taxes,
coordination.

68A Stat. 291;
74 Stat. 998.
26 USC 931.

applies for the taxable year shall file his income tax return for the taxable year—

“(A) with the United States, if he is a resident of the United States,

“(B) with Guam, if he is a resident of Guam, and

“(C) if neither subparagraph (A) nor subparagraph (B) applies—

“(i) with Guam, if he is a citizen of Guam but not otherwise a citizen of the United States, or

“(ii) with the United States, if clause (i) does not apply.

“(2) DETERMINATION DATE.—For purposes of this section, determinations of residence and citizenship for the taxable year shall be made as of the close of the taxable year.

“(3) SPECIAL RULE FOR JOINT RETURNS.—In the case of a joint return, this subsection shall be applied on the basis of the residence and citizenship of the spouse who has the greater adjusted gross income (determined without regard to community property laws) for the taxable year.

“(c) EXTENT OF INCOME TAX LIABILITY.—In the case of any individual to whom this section applies for the taxable year—

“(1) for purposes of so much of this title (other than this section and section 7654) as relates to the taxes imposed by this chapter, the United States shall be treated as including Guam, *Infra.*

“(2) for purposes of the Guam territorial income tax, Guam shall be treated as including the United States, and

“(3) such individual is hereby relieved of liability for income tax for such year to the jurisdiction (the United States or Guam) other than the jurisdiction with which he is required to file under subsection (b).

“(d) SPECIAL RULES FOR ESTIMATED INCOME TAX.—If there is reason to believe that this section will apply to an individual for the taxable year, then—

“(1) he shall file any declaration of estimated income tax (and all amendments thereto) with the jurisdiction with which he would be required to file a return for such year under subsection

(b) if his taxable year closed on the date he is required to file such declaration,

“(2) he is hereby relieved of any liability to file a declaration of estimated income tax (and amendments thereto) for such taxable year to the other jurisdiction, and

“(3) his liability for underpayments of estimated income tax shall be to the jurisdiction with which he is required to file his return for the taxable year (determined under subsection (b)).”

(b) ADMINISTRATION.—Section 7654 of the Internal Revenue Code of 1954 (relating to payment to Guam and American Samoa of proceeds of tax on coconut and other vegetable oils) is amended to read as follows:

“SEC. 7654. COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES.

“(a) GENERAL RULE.—The net collections of the income taxes imposed for each taxable year with respect to any individual to whom this subsection applies for such year shall be divided between the United States and Guam according to the following rules:

“(1) net collections attributable to United States source income shall be covered into the Treasury of the United States;

“(2) net collections attributable to Guam source income shall be covered into the treasury of Guam; and

“(3) all other net collections of such taxes shall be covered into

Ante, p. 1494.

the treasury of the jurisdiction (either the United States or Guam) with which such individual is required by section 935(b) to file his return for such year.

This subsection applies to an individual for a taxable year if section 935 applies to such individual for such year and if such individual has (or, in the case of a joint return, such individual and his spouse have (A) adjusted gross income of \$50,000 or more and (B) gross income of \$5,000 or more derived from sources within the jurisdiction (either the United States or Guam) with which the individual is not required under section 935(b) to file his return for the year.

“(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) NET COLLECTIONS.—In determining net collections for a taxable year, appropriate adjustment shall be made for credits allowed against the tax liability for such year and refunds made of income taxes for such year.

“Income taxes.”

“(2) INCOME TAXES.—The term ‘income taxes’ means—

“(A) with respect to taxes imposed by the United States, the taxes imposed by chapter 1, and

“(B) with respect to Guam, the Guam territorial income tax.

“(3) SOURCE.—The determination of the source of income shall be based on the principles contained in part I of subchapter N of chapter 1 (section 861 and following).

26 USC 861 et seq.

“(c) TRANSFERS.—The transfers of funds between the United States and Guam required by this section shall be made not less frequently than annually.

“(d) MILITARY PERSONNEL IN GUAM.—In addition to any amount determined under subsection (a), the United States shall pay to Guam at such times and in such manner as determined by the Secretary or his delegate the amount of the taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such compensation by reason of the Soldiers and Sailors Civil Relief Act (50 App. U.S.C., sec. 501 et seq.).

26 USC 3401 et seq.

54 Stat. 1178.

“(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 935, including (but not limited to)—

Ante, p. 1494.

“(1) such regulations as are necessary to insure that the provisions of this title, as made applicable in Guam by section 31 of the Organic Act of Guam, apply in a manner which is consistent with this section and section 935, and

72 Stat. 681.
48 USC 14211.

“(2) regulations prescribing the information which the individuals to whom section 935 may apply shall furnish to the Secretary or his delegate.”

(c) CIVIL PENALTY FOR FAILURE TO FURNISH INFORMATION.—Subchapter B of chapter 68 of the Internal Revenue Code of 1954 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

68A Stat. 828;
85 Stat. 551.
26 USC 6671.

“SEC. 6687. ASSESSABLE PENALTIES WITH RESPECT TO INFORMATION REQUIRED TO BE FURNISHED UNDER SECTION 7654.

“In addition to any criminal penalty provided by law, any person described in section 7654(a) who is required by regulations prescribed under section 7654 to furnish information and who fails to comply with such requirement at the time prescribed by such regulations unless it is shown that such failure is due to reasonable cause and not

Ante, p. 1495.

to willful neglect, shall pay (upon notice and demand by the Secretary or his delegate and in the same manner as tax) a penalty of \$100 for each such failure."

(d) AMENDMENT OF SECTION 31(d) OF THE ORGANIC ACT OF GUAM.—The second sentence of section 31(d)(2) of the Organic Act of Guam (48 U.S.C. 1421i) is amended by inserting "not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1954" and "Needful rules and regulations".

72 Stat. 681.

Ante, p. 1495.

(e) CORPORATE INCOME TAXES.—

(1) Section 881 of the Internal Revenue Code of 1954 (relating to tax on income of foreign corporations not connected with United States business) is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

80 Stat. 1555.
26 USC 881.

"(b) EXCEPTION FOR GUAM CORPORATIONS.—For purposes of this section, the term 'foreign corporation' does not include a corporation created or organized in Guam or under the law of Guam."

"Foreign corporation."

80 Stat. 1557.

(2) Section 1442 of such Code (relating to the withholding of tax on foreign corporations) is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTION FOR GUAM CORPORATIONS.—For purposes of this section, the term 'foreign corporation' does not include a corporation created or organized in Guam or under the law of Guam."

"Foreign corporation."

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 931(c) of the Internal Revenue Code of 1954 (relating to income from sources within possessions of the United States) is amended by inserting "or Guam" after "Puerto Rico".

68A Stat. 291.

(2) The second sentence of section 932(a) of such Code (relating to citizens of possessions of the United States) is amended by inserting "or Guam" after "Puerto Rico".

(3) Subsection (c) of section 932 of such Code is amended to read as follows:

"(c) GUAM.—

"For provisions relating to the individual income tax in the case of Guam, see sections 935 and 7654; see also sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i)."

(4) Section 7701(a)(12)(B) of such Code (relating to performance of certain functions in Guam or American Samoa) is amended by striking out "chapters 2" and inserting in lieu thereof "chapters 1, 2".

74 Stat. 941.

(5) The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end thereof the following:

"Sec. 935. Coordination of United States and Guam individual income taxes."

(6) The table of sections for subchapter D of chapter 78 of such Code, is amended by striking out the item relating to section 7654 and inserting in lieu thereof:

"Sec. 7654. Coordination of United States and Guam individual income taxes."

(7) The table of sections for subchapter B of chapter 68 of such Code is amended by adding at the end thereof the following:

"Sec. 6687. Assessable penalties with respect to information required to be furnished under section 7654."

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 (other than section 1(e)) shall apply with respect to taxable years beginning after December 31, 1972.

The amendments made by section 1(e)(1) shall apply with respect to taxable years beginning after December 31, 1971. The amendment made by section 1(e)(2) shall take effect on the day after the date of the enactment of this Act.

Approved October 31, 1972.

Public Law 92-607

October 31, 1972
[H. R. 17034]

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

Supplemental
Appropriations
Act, 1973.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations Act, 1973") for the fiscal year ending June 30, 1973, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

RURAL DEVELOPMENT

FARMERS HOME ADMINISTRATION

For an additional amount for "Salaries and expenses", \$500,000.

ENVIRONMENTAL PROGRAMS

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations" for emergency measures for runoff retardation and soil-erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701b-1), \$16,500,000, to remain available until expended: *Provided*, That personnel hired or funds expended hereunder shall not be charged to any personnel ceiling or monetary limitation heretofore or hereafter imposed.

64 Stat. 184.

1972 RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

The 1972 program of soil-building and soil- and water-conserving practices previously authorized to be carried out under sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g-590o, 590p (a), and 590q) may be carried out through June 30, 1973, and sums appropriated by Public Law 92-399 (86 Stat. 607) for such program may be used for practices carried out under such program through June 30, 1973.

NATIONAL STUDY COMMISSION

For an additional amount for the National Study Commission authorized by section 315 of the Federal Water Pollution Control Act Amendments of 1972, \$200,000: *Provided*, That this sum shall be available only to the extent authorized by law.

Ante, p. 875.