penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this chapter.

(R.S. § 5574.)

CODIFICATION

R.S. § 5574 derived from acts Aug. 18, 1856, ch. 164, § 2, 11 Stat. 119; July 28, 1866, ch. 298, § 3, 14 Stat. 328; Apr. 2, 1872, ch. 81, § 1, 17 Stat. 48.

An additional provision of R.S. § 5574 suspending this section for 5 years from and after July 14, 1872, in relation to all persons who had complied with the provisions of that title of the Revised Statutes, was omitted as temporary.

§ 1416. Regulation of trade

The introduction of guano from such islands, rocks, or keys shall be regulated as in the coasting trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

(R.S. § 5575.)

CODIFICATION

R.S. § 5575 derived from act Aug. 18, 1856, ch. 164, § 3, 11 Stat. 120.

§ 1417. Criminal jurisdiction

All acts done, and offenses or crimes committed, on any island, rock, or key mentioned in section 1411 of this title, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

(R.S. § 5576.)

CODIFICATION

R.S. § 5576 derived from act Aug. 18, 1856, ch. 164, § 6, 11 Stat. 120.

CROSS REFERENCES

Crimes committed on any island, rock, or key, containing deposits of guano, which may be considered as appertaining to the United States, to be punished as crimes under admiralty or maritime jurisdiction, see section 7 of Title 18, Crimes and Criminal Procedure.

§ 1418. Employment of land and naval forces in protection of rights

The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns.

(R.S. § 5577.)

CODIFICATION

R.S. § 5577 derived from act Aug. 18, 1856, ch. 164, § 5, 11 Stat. 120.

§ 1419. Right to abandon islands

Nothing in this chapter contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.

(R.S. § 5578.)

CODIFICATION

R.S. § 5578 derived from act Aug. 18, 1856, ch. 164, § 4, 11 Stat. 120.

CHAPTER 8A—GUAM

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
1421. Territory included under name Guam.
1421a. Unincorporated territory; capital; powers of government; suits against government; type of government; supervision.
1421b. Bill of rights.
1421c. Certain laws continued in force; modification or repeal of laws.
1421d. Salaries and allowances of officers and employees.
1421e. Duty on articles.
1421f. Title to property transferred.
(a) Property employed by naval government of Guam.
(b) Other property not reserved.
(c) Secretary of the Interior; sale or lease.
1421f–1. Acknowledgement of deeds.
1421g. Establishment and maintenance of public bodies and offices.
(a) Public health services.
(b) Public educational system.
(c) Office of Public Prosecutor; Office of Public Auditor.
1421h. Duties, taxes, and fees; proceeds collected to constitute fund for benefit of Guam; prerequisites, amount, etc., remitted prior to commencement of next fiscal year.
1421i. Income tax.
(a) Applicability of Federal laws; separate tax.
(b) Guam Territorial income tax.
(c) Enforcement of tax.
(d) ''Income-tax laws'' defined; administration and enforcement; rules and regulations.
(e) Substitution of terms.
(f) Criminal offenses; prosecution.
(g) Liens.
(h) Jurisdiction of District Court; suits for recovery or collection of taxes; payment of judgment.
1421j. Authorization of appropriations.
1421k. Designation of naval or military reservations; closed port.
1421k–1 to 1421m. Repealed.
1421n. Applicability of Federal copyright laws.
1421*o*. Federal assistance for fire control, watershed protection, and reforestation.
1421p. Authorization of appropriations.
1421q. Applicability of Federal laws.
1421q–1. Applicability of laws referred to in section 502(a)(1) of Covenant to Establish a Commonwealth of the Northern Mariana Islands.

SUBCHAPTER II—THE EXECUTIVE BRANCH

1422. Governor and Lieutenant Governor; term of office; qualifications; powers and duties; annual report to Congress.
1422a. Removal of Governor, Lieutenant Governor, or member of legislature; referendum election.

Sec.
1422b. Vacancy in office of Governor or Lieutenant Governor.
(a) Temporary disability or temporary absence of Governor.
(b) Permanent vacancy in office of Governor.
(c) Temporary disability or temporary absence of Lieutenant Governor.
(d) Permanent vacancy in office of Lieutenant Governor.
(e) Temporary disability or temporary absence of both Governor and Lieutenant Governor.
(f) Additional compensation.
1422c. Executive agencies and instrumentalities.
(a) Appointment of heads; establishment of merit system; Civil Service Commission.
(b) Powers and duties of officers.
(c) Reorganization.
(d) Continuation in office of incumbents.
1422d. Transfer of functions from government comptroller for Guam to Inspector General, Department of the Interior.
(a) Functions, powers, and duties transferred.
(b) Scope of authority transferred.
(c) Transfer of personnel, assets, etc., of office of government comptroller for Guam to Office of Inspector General, Department of the Interior.

SUBCHAPTER III—THE LEGISLATURE

1423. Legislature of Guam.
(a) Unicameral nature; power.
(b) Size of legislature; prohibition against denial of equal protection; at large and district representation.
(c) Reapportionment; Federal census base.
(d) Timing of biennial elections.
1423a. Power of legislature; limitation on indebtedness of Guam; bond issues; guarantees for purchase by Federal Financing Bank of Guam Power Authority bonds or other obligations; interest rates; default.
1423b. Selection and qualification of members; officers; rules and regulations; quorum.
1423c. Privileges of members.
1423d. Oath of office.
1423e. Prohibition against acceptance of salary increases or newly created offices.
1423f. Qualifications of members.
1423g. Vacancies.
1423h. Regular and special sessions.
1423i. Approval of bills.
1423j. Authorization of appropriations.
1423k. Right of petition.
1423*l*. Omitted.

SUBCHAPTER IV—THE JUDICIARY

1424. District Court of Guam; local courts; jurisdiction.
(a) District Court of Guam; local courts.
(b) Jurisdiction.
(c) Original jurisdiction.
1424–1. Local courts; composition; appellate court; jurisdiction; practice and procedure; qualifications and duties of judges.
(a) Composition; establishment of appellate court.
(b) Jurisdiction.
(c) Practice and procedure; qualifications and duties of judges.
1424–2. Relations between courts of United States and courts of Guam; review by United States Court of Appeals for Ninth Circuit; reports to Congress; rules.
1424–3. Appellate jurisdiction for District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules; appeals to appellate court.
(a) Appellate jurisdiction of District Court.
(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions.
(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules.
(d) Appeals to appellate court; effect on District Court.
1424–4. Criminal offenses; procedure; definitions.
1424a. Repealed.
1424b. Judge of District Court; appointment, tenure, removal, and compensation; appointment of United States attorney and marshal.
1424c. Review of claims respecting land on Guam.
(a) Jurisdiction.
(b) Acquisitions effected through condemnation proceedings.
(c) Fair compensation.
(d) Employment of special masters or judges.
(e) Awards.
(f) Limitation on attorney's fees; violation; penalty.
(g) Availability of documents, records, and writings to court.

SUBCHAPTER V—PUBLIC HOUSING AND URBAN RENEWAL

1425. Omitted.
1425a. Legislative authority to create authorities; appointment of members; powers of authorities.
1425b. Issuance of notes, bonds, and obligations.
1425c. Authorization of loans, conveyances, etc.
1425d. Ratification of prior act.
1425e. Additional powers.
1426. Repealed.

SUBCHAPTER VI—GUAM DEVELOPMENT FUND

1428. Authorization of appropriations.
1428a. Submission of plan for use of funds; contents of plan; term, interest rate, and premium charge of loan.
1428b. Prerequisite for loan or loan guarantee; maximum participation in available funds; reserves for loan guarantees.
1428c. Accounting procedures.
1428d. Report for inclusion in annual report by Governor.
1428e. Audit of books and records of agency, or agencies, administering loan funds.

CONSTITUTIONS FOR VIRGIN ISLANDS AND GUAM: ESTABLISHMENT; CONGRESSIONAL AUTHORIZATION

Authorization for the peoples of the Virgin Islands and Guam to call constitutional conventions to draft constitutions for local self-government, see Pub. L. 94–584, Oct. 21, 1976, 90 Stat. 2899, set out as a note under section 1541 of this title.

DELEGATE TO CONGRESS FROM GUAM

Provisions respecting representation in Congress by a Delegate from Guam to the House of Representatives, see section 1711 et seq. of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1425b, 1469a–1 of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1421. Territory included under name Guam

The territory ceded to the United States in accordance with the provisions of the Treaty of Peace between the United States and Spain,

signed at Paris, December 10, 1898, and proclaimed April 11, 1899, and known as the island of Guam in the Marianas Islands, shall continue to be known as Guam.

(Aug. 1, 1950, ch. 512, § 2, 64 Stat. 384.)

EFFECTIVE DATE; CONTINUATION OF FEDERAL ADMINISTRATION

Section 34 of act Aug. 1, 1950, provided that on the 21st day of July 1950, the authority and powers conferred by this chapter would come into force, and authorized the President, for a period not to exceed one year from Aug. 1, 1950, to continue the administration of Guam in all or in some respects as provided by law, Executive order, or local regulation in force on Aug. 1, 1950. It further authorized the President in his discretion to place in operation all or some of the provisions of this chapter if practicable before the expiration of the period of one year.

SHORT TITLE OF 1968 AMENDMENTS

Pub. L. 90–601, § 1, Oct. 17, 1968, 82 Stat. 1172, provided that: ''This Act [enacting sections 1428 to 1428e of this title] may be cited as the 'Guam Development Fund Act of 1968'.''

Pub. L. 90–497, § 14, Sept. 11, 1968, 82 Stat. 848, provided that: ''This Act [enacting section 1422d of this title and section 335 of Title 10, Armed Forces, amending sections 1421a, 1421b, 1421c, 1421d, 1421f, 1422, 1422a, 1422b, 1422c, 1423b, 1423h, and 1423i of this title, and enacting provisions set out as notes under this section and section 1422 of this title] may be cited as the 'Guam Elective Governor Act'.''

SHORT TITLE

Section 1 of act Aug. 1, 1950, provided that: ''This Act [enacting this chapter and amending section 703 of Title 8, Aliens and Nationality] may be cited as the 'Organic Act of Guam'.''

POLITICAL UNION BETWEEN TERRITORY OF GUAM AND COMMONWEALTH OF NORTHERN MARIANA ISLANDS, EFFECTS ON RIGHTS AND ENTITLEMENTS

In event of political union between Guam and the Commonwealth of the Northern Mariana Islands, there shall be no diminution of rights or entitlements, nor any adverse effects on any funds authorized or appropriated, see section 1844 of this title.

ANALYSIS OF CAPITAL INFRASTRUCTURE NEEDS OF GUAM FOR 1985 TO 1990 TIMEFRAME; REPORT TO CONGRESS; CONTENTS

Pub. L. 95–348, § 1(a)(6), Aug. 18, 1978, 92 Stat. 487, provided that the Secretary prepare and transmit to the Congress no later than July 1, 1979, an analysis of the capital infrastructure needs of Guam for the 1985 to 1990 timeframe.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. of this title.

EX. ORD. NO. 10077. TRANSFER OF ADMINISTRATION OF GUAM

Ex. Ord. No. 10077, eff. Sept. 7, 1949, 14 F.R. 5523, as amended by Ex. Ord. No. 10137, eff. June 30, 1950, 15 F.R. 4241, provided:

1. The administration of the Island of Guam is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on August 1, 1950.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of the administration of the Island of Guam as embodied in the above mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government on the Island of Guam.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive Order No. 108–A of December 23, 1898, is revoked, effective July 1, 1950.

§ 1421a. Unincorporated territory; capital; powers of government; suits against government; type of government; supervision

Guam is declared to be an unincorporated territory of the United States and the capital and seat of government thereof shall be located at the city of Agana, Guam. The government of Guam shall have the powers set forth in this chapter, shall have power to sue by such name, and, with the consent of the legislature evidenced by enacted law, may be sued upon any contract entered into with respect to, or any tort committed incident to, the exercise by the government of Guam of any of its lawful powers. The government of Guam shall consist of three branches, executive, legislative, and judicial, and its relations with 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.

(Aug. 1, 1950, ch. 512, § 3, 64 Stat. 384; Sept. 21, 1959, Pub. L. 86–316, 73 Stat. 588; Sept. 11, 1968, Pub. L. 90–497, § 12(a), 82 Stat. 847.)

AMENDMENTS

1968—Pub. L. 90–497 substituted provisions that all matters concerning Guam which are not the program responsibility of other Federal departments or agencies be under the general administrative supervision of the Secretary of the Interior for provisions that the general administrative supervision of matters concerning Guam be under the head of such civilian department or agency of the Government of the United States as the President might direct.

1959—Pub. L. 86–316 permitted government of Guam, with consent of legislature, to be sued.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1423i of this title.

§ 1421b. Bill of rights

(a) No law shall be enacted in Guam respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of their grievances.

(b) No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

(c) The right of the people to be secure in their persons, houses, papers, and effects, against un-

reasonable searches and seizures, shall not be violated; and no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

(d) No person shall be subject for the same offense to be twice put in jeopardy of punishment; nor shall he be compelled in any criminal case to be a witness against himself.

(e) No person shall be deprived of life, liberty, or property without due process of law.

(f) Private property shall not be taken for public use without just compensation.

(g) In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

(h) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Guam.

(j) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(k) No person shall be imprisoned for debt.

(*l*) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(m) No qualification with respect to property, income, political opinion, or any other matter apart from citizenship, civil capacity, and residence shall be imposed upon any voter.

(n) No discrimination shall be made in Guam against any person on account of race, language, or religion, nor shall the equal protection of the laws be denied.

(*o*) No person shall be convicted of treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(p) No public money or property shall ever be appropriated, supplied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.

(q) The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

(r) There shall be compulsory education for all children, between the ages of six and sixteen years.

(s) No religious test shall ever be required as a qualification to any office or public trust under the government of Guam.

(t) No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of Guam or of the United States shall be qualified to hold any public office of trust or profit under the government of Guam.

(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments.

All laws enacted by Congress with respect to Guam and all laws enacted by the territorial legislature of Guam which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.

(Aug. 1, 1950, ch. 512, § 5, 64 Stat. 385; Sept. 11, 1968, Pub. L. 90–497, § 10, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (u). Pub. L. 90–497 added subsec. (u).

EFFECTIVE DATE OF 1968 AMENDMENT

Section 10 of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

CROSS REFERENCES

Advocating overthrow of government, penalty for, see section 2385 of Title 18, Crimes and Criminal Procedure.

§ 1421c. Certain laws continued in force; modification or repeal of laws

(a) The laws of Guam in force on August 1, 1950, except as amended by this chapter, are continued in force, subject to modification or repeal by the Congress of the United States or the Legislature of Guam, and all laws of Guam inconsistent with the provisions of this chapter are repealed to the extent of such inconsistency.

(b) Repealed. Pub. L. 90–497, § 7, Sept. 11, 1968, 82 Stat. 847.

(Aug. 1, 1950, ch. 512, § 25, 64 Stat. 390; Sept. 11, 1968, Pub. L. 90–497, § 7, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (b). Pub. L. 90–497 repealed subsec. (b) which prohibited the application to Guam of laws of the United States not specifically made applicable to Guam and established a commission to determine which laws were applicable to Guam and which were not.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 7 of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

CROSS REFERENCES

Acknowledgment of deeds, see section 1421f–1 of this title.

Fair Labor Standards Act, application to Guam, see section 213 of Title 29, Labor.

National Bank Act, application to Guam, see section 41 of Title 12, Banks and Banking.

Park programs, State as including Guam, see section 17n of Title 16, Conservation.

§ 1421d. Salaries and allowances of officers and employees

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of Guam, and the members of the legislature, shall be paid by the government of Guam at rates prescribed by the laws of Guam.

(Aug. 1, 1950, ch. 512, § 26, 64 Stat. 391; Aug. 1, 1956, ch. 852, § 21, 70 Stat. 911; July 30, 1965, Pub. L. 89–100, 79 Stat. 424; Sept. 11, 1968, Pub. L. 90–497, § 9, 82 Stat. 847.)

AMENDMENTS

1968—Subsec. (c). Pub. L. 90–497, § 9(a), repealed subsec. (c) which provided for the payment of transportation expenses by the United States of all officers and employees of the government of Guam if their homes were outside Guam.

Pub. L. 90–497, § 9(b), removed subsection designations and substituted provisions that the government of Guam pay the salaries and travel expenses of the Governor, Lieutenant Governor, heads of executive departments, members of the legislature, and government officers and employees at rates prescribed by the laws of Guam for provisions setting the salary for the Governor and Secretary of Guam and allowing for the payment of transportation expenses and salaries of certain officers and employees by the United States.

1965—Subsec. (e). Pub. L. 89–100 substituted provisions empowering the government of Guam to fix and pay legislative salaries and expenses for provisions which specifically fixed a sum of $15 per day to be paid each member for every day the legislature is in session payable out of Congressional appropriations and which required all other expenses to be paid by the government of Guam.

1956—Subsec. (a). Act Aug. 1, 1956, substituted ''the Governor of the Virgin Islands in the Executive Pay Act of 1949, as heretofore or hereafter amended,'' for ''Governors of Territories and possessions in the Executive Pay Act of 1949, but not to exceed $13,125,''.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 9(a) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

Section 9(b) of Pub. L. 90–497 provided that the amendment made by that section is effective Jan. 4, 1971.

§ 1421e. Duty on articles

All articles coming into the United States from Guam shall be subject to or exempt from duty as provided for in section 1301a[1] of title 19.

(Aug. 1, 1950, ch. 512, § 27, 64 Stat. 392; Sept. 1, 1954, ch. 1213, title IV, § 402(b), 68 Stat. 1140.)

REFERENCES IN TEXT

Section 1301a of title 19, referred to in text, was repealed by Pub. L. 87–456, title III, § 301(a), May 24, 1962, 76 Stat. 75. See General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

AMENDMENTS

1954—Act Sept. 1, 1954, subjected Guam to the general provision for importations from insular possessions contained in section 1301a of title 19.

EFFECTIVE DATE OF 1954 AMENDMENT

Section 601 of act Sept. 1, 1954, 68 Stat. 1141, provided that: ''Titles II, III, IV, and VI of this Act [enacting section 1301a of Title 19, Customs Duties, amending sections 1421e and 1644 of this title and sections 160, 161, 1001, and 1201 of Title 19] shall be effective on and after the thirtieth day following the date of the enactment of this Act [Sept. 1, 1954]''.

[1] See References in Text note below.

§ 1421f. Title to property transferred

(a) Property employed by naval government of Guam

The title to all property, real and personal, owned by the United States and employed by the naval government of Guam in the administration of the civil affairs of the inhabitants of Guam, including automotive and other equipment, tools and machinery, water and sewerage facilities, bus lines and other utilities, hospitals, schools, and other buildings, shall be transferred to the government of Guam within ninety days after August 1, 1950.

(b) Other property not reserved

All other property, real and personal, owned by the United States in Guam, not reserved by the President of the United States within ninety days after August 1, 1950, is placed under the control of the government of Guam, to be administered for the benefit of the people of Guam, and the legislature shall have authority, subject to such limitations as may be imposed upon its acts by this chapter or subsequent Act of the Congress, to legislate with respect to such property, real and personal, in such manner as it may deem desirable.

(c) Secretary of the Interior; sale or lease

All property owned by the United States in Guam, the title to which is not transferred to the government of Guam by subsection (a) of this section, or which is not placed under the control of the government of Guam by subsection (b) of this section, is transferred to the administrative supervision of the Secretary of the Interior, except as the President may from time to time otherwise prescribe: *Provided*, That the Secretary of the Interior shall be authorized to lease or to sell, on such terms as he may deem in the public interest, any property, real and personal, of the United States under his administrative supervision in Guam not needed for public purposes.

(Aug. 1, 1950, ch. 512, § 28, 64 Stat. 392; Sept. 11, 1968, Pub. L. 90–497, § 12(b), 82 Stat. 848.)

AMENDMENTS

1968—Subsec. (c). Pub. L. 90–497 substituted ''The Secretary of the Interior'' for ''the head of the department or agency designated by the President under section 1421a of this title'' in text of subsec. (c) and ''the Secretary of the Interior'' for ''the head of such department or agency'' in proviso.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

EX. ORD. NO. 10178. RESERVATION OF PROPERTY IN GUAM FOR USE OF UNITED STATES

Ex. Ord. No. 10178, eff. Oct. 30, 1950, 15 F.R. 7313, provided:

NOW, THEREFORE, by virtue of the authority vested in me by the said section 28 of the Organic Act of Guam [this section] and as President of the United States, it is ordered as follows:

1. The following-described real and personal property of the United States in Guam is hereby reserved to the United States and placed under the control and jurisdiction of the Secretary of the Navy: *Provided*, That the Secretary of the Navy shall transfer such portions of such property to the Department of the Army, the Department of the Air Force, and the Coast Guard as may be required for their respective purposes:

(a) All of that real property in Guam situated within the perimeter areas defined in the following-designated condemnation proceedings in the Superior Court of Guam, being the same property quitclaimed by the Naval Government of Guam to the United States of America by deed dated July 31, 1950, and filed for record with the Land Registrar of Guam on August 4, 1950 (Presentation No. 22063):

Condemnation proceedings Civil No.	Perimeter area	Facility
	Acres	
2–48	4,566.757	North Field.
5–48	9.372	Mt. Santa Rosa Water Reservoir and Supply Lines.
6–48	5.990	Mt. Santa Rosa-Marbo Water Lines.
7–48	5.990	Tumon Maui Well Site.
2–49	4,803.000	Naval Ammunition Depot.
3–49	44.651	Primary Transmission Line.
4–49	12.169	Mt. Santa Rosa-Marbo Water Line Easement.
5–49	6,332.000	Apra Harbor Reservation.
2–50	6.450	Aceorp Tunnel.
3–50	35.391	Camp Dealy.
4–50	0.637	Tumon Bay Recreation Area Utility Lines.
5–50	24.914	Agana Springs.
6–50	41.360	Asan Point Tank Farm.
7–50	85.032	Asan Point Housing.
8–50	137.393	Medical Center.
9–50	45.630	Agafo Gumas.
10–50	4,798.682	Naval Communication Station.
11–50	11.726	Nimitz Beach.
12–50	800.443	Command Center.
13–50	4,901.100	Tarague Natural Wells.
14–50	5.945	Agana Diesel Electric Generating plant.
15–50	23.708	Mt. Santa Rosa Haul Road, Water Reservoir and Supply Lines, VHF Relay Station, Mt. Santa Rosa-Marbo Water Line.
16–50	4,562.107	Northwest Air Force Base.
18–50	60.480	Marbo Base Command Area—Sewage Disposal.
19–50	21.695	Loran Station, Cocos Island.
20–50	15.322	Av-Gas Tank Farm 1B12.
21–50	1,820.148	Proposed Boundary of NAS Agana, Housing Area 1B7.
22–50	37.519	C. A. A. Site (Area 1B90.)
23–50	3.575	Tumon Maui Well (Water Tunnel).
24–50	49.277	Tumon Bay Recreation Area (Road and AV-Gas Fuel Line Parcel 1B1.
25–50	0.208	Utility Easement from Rt. 1B1 to Rt. 1B6 Coontz Junction).
26–50	65.300	Tumon Bay Recreation Area (Area 1B78).
27–50	2,497.400	Marbo Base Command.
28–50	0.918	Mt. Tenjo VHF Station Site.
29–50	285.237	Sasa Valley Tank Farm (Area 1B78).
30–50	17.793	Sub Transmission System Piti Steam Plant to Command Center.
31–50	28.888	Route 1B1 (Marine Drive) (Portion).
32–50	94.000	Sub Transmission System (34 KV Line) Piti Steam Plant to Agana Diesel Plant and POL System Sasa Valley Tank Farm to NAS Agana.
33–50	953.000	Harmon Air Force Base.
34–50	2,922.000	Radio Barrigada.
35–50	25.000	AACS Radio Range (Area 1B30).
36–50	37.000	Water Line Apra Heights Reservoir to Fena Pump Station and Av-Gas Fuel System.
37–50	2,185.000	Fena River Reservoir.

(b) The road system and utilities systems described in the said deed between the Naval Government of Guam and the United States of America dated July 31, 1950.

(c) The following-described areas: Mount Lam Lam Light; Rear Range Light; Mount Aluton Light; Area Number 35 Culverts; Mount Santa Rosa Light; 36 acres of Camp Witek; Adelup Reservoir; Tripartite Seismograph Station Site, Land Unit M, Section 2, Land Square 20; the Power Sub-station located on Lot 266, Municipality of Agat adjacent to Erskine Drive, City of Agat.

(d) Lots 2285–5 and 2306–1 in Barrigada.

(e) All personal property relating to or used in connection with any of the above-described real property.

2. The following-described real property of the United States in Guam is hereby reserved to the United States and transferred to the administrative supervision of the Secretary of the Interior, and shall be available for disposition by the Secretary of the Interior in his discretion under section 28(c) of the said Organic Act of Guam [subsection (c) of this section]:

All of those lands which have been selected by the Secretary of the Navy for transfer or sale pursuant to the act of November 15, 1945, 59 Stat. 584, to persons in replacement of lands acquired for military or naval purposes in Guam, a list and description of such lands being on file in the Department of the Navy.

3. In addition to the personal property described in paragraph 1(e) hereof, there is hereby reserved to the United States all personal property of the United States in Guam, except that which is transferred to the government of Guam by or pursuant to section 28 (a) of the Organic Act of Guam, which on the date of this order is in the custody or control of the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, or any other department or agency of the United States; and all such personal property shall remain in the custody and control of the department or agency having custody and control thereof on the date of this order.

HARRY S TRUMAN.

§ 1421f–1. Acknowledgment of deeds

Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, 1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified.

(June 28, 1906, ch. 3585, 34 Stat. 552.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

Section is also classified to section 1663 of this title.

Section was formerly classified to sections 1358 and 1432 of this title.

Section is also set out in D.C. Code, § 45–605.

§ 1421g. Establishment and maintenance of public bodies and offices

(a) Public health services

Subject to the laws of Guam, the Governor shall establish, maintain, and operate public-

health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease.

(b) Public educational system

The Government of Guam shall provide an adequate public educational system of Guam, and to that end shall establish, maintain, and operate public schools according to the laws of Guam.

(c) Office of Public Prosecutor; Office of Public Auditor

The Government of Guam may by law establish an Office of Public Prosecutor and an Office of Public Auditor. The Public Prosecutor and Public Auditor may be removed as provided by the laws of Guam.

(Aug. 1, 1950, ch. 512, § 29, 64 Stat. 392; Aug. 27, 1986, Pub. L. 99–396, §§ 5, 13, 100 Stat. 839, 842.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99–396, § 13(a)(1), substituted ''according to the laws of Guam'' for ''at such places in Guam as may be necessary''.

Pub. L. 99–396, § 5, substituted ''Government of Guam'' for ''Governor''.

Subsec. (c). Pub. L. 99–396, § 13(a)(2), added subsec. (c).

§ 1421h. Duties, taxes, and fees; proceeds collected to constitute fund for benefit of Guam; prerequisites, amount, etc., remitted prior to commencement of next fiscal year

All customs duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, its Territories, or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam (including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam), and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the annual budgets; except that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of the Internal Revenue Code of 1986 [26 U.S.C. 1401 et seq., 3101 et seq.]. Beginning as soon as the government of Guam enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, the Secretary of the Treasury, prior to the commencement of any fiscal year, shall remit to the government of Guam the amount of duties, taxes, and fees which the governor of Guam, with the concurrence of the government comptroller of Guam, has estimated will be collected in or derived from Guam under this section during the next fiscal year, except for those sums covered directly upon collection into the treasury of Guam. The Secretary of the Treasury shall deduct from or add to the amounts so remitted the difference between the amount of duties, taxes, and fees actually collected during the prior fiscal year and the amount of such duties, taxes, and fees as estimated and remitted at the beginning of that prior fiscal year, including any deductions which may be required as a result of the operation of Public Law 94–395 (90 Stat. 1199) or Public Law 88–170, as amended (82 Stat. 863).

(Aug. 1, 1950, ch. 512, § 30, 64 Stat. 392; Sept. 13, 1960, Pub. L. 86–778, title I, § 103(u), 74 Stat. 941; Aug. 18, 1978, Pub. L. 95–348, § 1(c), 92 Stat. 488; Oct. 5, 1984, Pub. L. 98–454, title VI, § 601(h), 98 Stat. 1736; Oct. 22, 1986, Pub. L. 99–514, § 2, 100 Stat. 2095.)

REFERENCES IN TEXT

The internal-revenue laws of the United States, referred to in text, are classified generally to Title 26, Internal Revenue Code.

Public Law 94–395 (90 Stat. 1199), referred to in text, was enacted Sept. 3, 1976, and amended section 1423a of this title.

Public Law 88–170, as amended (82 Stat. 863), referred to in text, is Pub. L. 88–170, Nov. 4, 1963, 77 Stat. 302, as amended by Pub. L. 90–511, Sept. 24, 1968, 82 Stat. 863, which is not classified to the Code.

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954''.

1984—Pub. L. 98–454 inserted ''(including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam)'' after ''inhabitants of Guam'' in first sentence.

1978—Pub. L. 95–348 inserted provisions relating to authorization, amount, computation, etc., of remittance, prior to commencement of any fiscal year, of duties, taxes, and fees to be collected in or derived from Guam under this section during that next fiscal year.

1960—Pub. L. 86–778 inserted clause providing that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of title 26.

CROSS REFERENCES

Payment to Guam of proceeds of tax collected on coconut and palm oil, see section 7653 of Title 26, Internal Revenue Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1423a of this title; title 26 section 7651.

§ 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 U.S.C. 6001 et seq.] which apply to the income tax, including provisions as to crimes, other offenses, and forfeitures contained in chapter 75 [26 U.S.C. 7201 et seq.]. For the period after 1950 and prior to the effective date of the repeal of any provision of the Internal Revenue Code of 1939 which corresponds to one or more of those provisions of the Internal Revenue Code of 1986 which are included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, such income-tax laws include but are not limited to such provisions of the Internal Revenue Code of 1939.

(2) The Governor or his delegate shall have the same administrative and enforcement powers and remedies with regard to the Guam Territorial income tax as the Secretary of the Treasury, and other United States officials of the executive branch, have with respect to the United States income tax. Needful rules and regulations not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1986 [26 U.S.C. 7654(e)] for enforcement of the Guam Territorial income tax shall be prescribed by the Governor. The Governor or his delegate shall have authority to issue, from time to time, in whole or in part, the text of the income-tax laws in force in Guam pursuant to subsection (a) of this section.

(e) Substitution of terms

In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, except where it is manifestly otherwise required, the applicable provisions of the Internal Revenue Codes of 1986 and 1939, shall be read so as to substitute ''Guam'' for ''United States'', ''Governor or his delegate'' for ''Secretary or his delegate'', ''Governor or his delegate'' for ''Commissioner of Internal Revenue'' and ''Collector of Internal Revenue'', ''District Court of Guam'' for ''district court'' and with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this section.

(f) Criminal offenses; prosecution

Any act or failure to act with respect to the Guam Territorial income tax which constitutes a criminal offense under chapter 75 of subtitle F of the Internal Revenue Code of 1986 [26 U.S.C. 7201 et seq.], or the corresponding provisions of the Internal Revenue Code of 1939, as included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, shall be an offense against the government of Guam and may be prosecuted in the name of the government of Guam by the appropriate officers thereof.

(g) Liens

The government of Guam shall have a lien with respect to the Guam Territorial income tax in the same manner and with the same effect, and subject to the same conditions, as the United States has a lien with respect to the United States income tax. Such lien in respect of the Guam Territorial income tax shall be enforceable in the name of and by the government of Guam. Where filing of a notice of lien is prescribed by the income-tax laws in force in Guam pursuant to subsection (a) of this section, such notice shall be filed in the Office of the Clerk of the District Court of Guam.

(h) Jurisdiction of District Court; suits for recovery or collection of taxes; payment of judgment

(1) Notwithstanding any provision of section 1424 of this title or any other provision of law to the contrary, the District Court of Guam shall have exclusive original jurisdiction over all judicial proceedings in Guam, both criminal and civil, regardless of the degree of the offense or of the amount involved, with respect to the Guam Territorial income tax.

(2) Suits for the recovery of any Guam Territorial income tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, under the income-tax laws in force in Guam, pursuant to subsection (a) of this section, may, regardless of the amount of claim, be maintained against the government of Guam subject to the same statutory requirements as are applicable to suits for the recovery of such amounts maintained against the United States in the United States district courts with respect to the United States income tax. When any judgment against the government of Guam under this paragraph has become final, the Governor shall order the payment of such judgments out of any unencumbered funds in the treasury of Guam.

(3) Execution shall not issue against the Governor or any officer or employee of the government of Guam on a final judgment in any proceeding against him for any acts or for the recovery of money exacted by or paid to him and subsequently paid into the treasury of Guam, in performing his official duties under the income-tax laws in force in Guam pursuant to subsection (a) of this section, if the court certifies that—

(A) probable cause existed; or

(B) such officer or employee acted under the directions of the Governor or his delegate.

When such certificate has been issued, the Governor shall order the payment of such judgment out of any unencumbered funds in the treasury of Guam.

(4) A civil action for the collection of the Guam Territorial income tax, together with fines, penalties, and forfeitures, or for the recovery of any erroneous refund of such tax, may be brought in the name of and by the government of Guam in the District Court of Guam or in any district court of the United States or in any court having the jurisdiction of a district court of the United States.

(5) The jurisdiction conferred upon the District Court of Guam by this subsection shall not be subject to transfer to any other court by the legislature, notwithstanding section 1424(a) of this title.

(Aug. 1, 1950, ch. 512, § 31, 64 Stat. 392; Aug. 20, 1958, Pub. L. 85–688, § 1, 72 Stat. 681; Oct. 31, 1972, Pub. L. 92–606, § 1(d), 86 Stat. 1497; Oct. 15, 1977, Pub. L. 95–134, title II, § 203(c), 91 Stat. 1162; Oct. 22, 1986, Pub. L. 99–514, § 2, 100 Stat. 2095.)

REFERENCES IN TEXT

The income tax laws, referred to in subsec. (a), are classified generally to Title 26, Internal Revenue Code.

The Internal Revenue Code of 1986, referred to in subsecs. (d) to (f), is classified generally to Title 26.

The Internal Revenue Code of 1939, referred to in subsecs. (d)(1), (e), and (f), was generally repealed by section 7851 of the Internal Revenue Code of 1986, Title 26. For table of comparisons of the 1939 Code to the 1986 Code, see Table I preceding section 1 of Title 26, Internal Revenue Code. See also section 7852(b) of Title 26, Internal Revenue Code, for provision that references in any other law to a provision of the 1939 Code, unless expressly incompatible with the intent thereof, shall be deemed a reference to the corresponding provision of the 1986 Code.

Subtitle A (not including chapter 2 and section 931) and chapters 24 and 25 of subtitle C, referred to in subsec. (d)(1), and subtitle F and chapter 75, referred to in subsecs. (d)(1) and (f), mean subtitle A (§ 1 et seq.), chapter 2 (§ 1401 et seq.) of subtitle A, chapters 24 (§ 3401 et seq.) and 25 (§ 3501 et seq.) of subtitle C, subtitle F (§ 6001 et seq.) and chapter 75 (§ 7201 et seq.) of subtitle F, respectively, of Title 26.

AMENDMENTS

1986—Subsecs. (d) to (f). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'' wherever appearing.

1977—Subsec. (a). Pub. L. 95–134 inserted provision that the Legislature of Guam may levy a separate tax on taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam.

1972—Subsec. (d)(2). Pub. L. 92–606 substituted ''Needful rules and regulations not inconsistent with the regulations prescribed under section 7654(e) of the Internal Revenue Code of 1954'' for ''Needful rules and regulations''.

1958—Subsec. (a). Pub. L. 85–688 designated existing provisions as subsec. (a).

Subsecs. (b) to (h). Pub. L. 85–688 added subsecs. (b) to (h).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–606 applicable with respect to taxable years beginning after Dec. 31, 1972, see section 2 of Pub. L. 92–606, set out in part as a note under section 931 of Title 26, Internal Revenue Code.

EFFECTIVE DATE

Section became effective Jan. 1, 1951, by provision of Ex. Ord. No. 10211 eff. Feb. 6, 1951, 16 F.R. 1167.

AUTHORITY OF GUAM, AMERICAN SAMOA, AND THE NORTHERN MARIANA ISLANDS TO ENACT REVENUE LAWS

See section 1271 of Pub. L. 99–514, set out as a note under section 931 of Title 26, Internal Revenue Code.

RATIFICATION OF ASSESSMENTS AND COLLECTIONS MADE BEFORE AUGUST 20, 1958

Section 2 of Pub. L. 85–688 provided that income taxes assessed prior to Aug. 20, 1958, by the authorities of the government of Guam pursuant to, or under color of, this section, the collection of such taxes, and all acts done to effectuate such assessment and collection were legalized, ratified and confirmed as fully, to all intents and purposes, as if subsecs. (b) to (h) of this section, had then been in full force and effect.

CROSS REFERENCES

All provisions of laws of the United States applicable to assessment and collection of taxes imposed by Internal Revenue Code as applicable to possessions, see section 7651 of Title 26, Internal Revenue Code.

Articles, goods, wares, or merchandise going into Guam as exempt from payment of any tax imposed by the internal revenue laws of the United States, see section 7653 of Title 26.

§ 1421j. Authorization of appropriations

There are authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter.

(Aug. 1, 1950, ch. 512, § 32, 64 Stat. 392.)

ELIMINATION OF GENERAL FUND DEFICITS OF GUAM AND VIRGIN ISLANDS

For authorization of appropriations for assistance to the governments of Guam and the Virgin Islands in elimination of general fund deficits, see Pub. L. 96–597, title VI, § 607, Dec. 24, 1980, 94 Stat. 3483, set out as a note under section 1641 of this title.

§ 1421k. Designation of naval or military reservations; closed port

Nothing contained in this chapter shall be construed as limiting the authority of the President to designate parts of Guam as naval or military reservations, nor to restrict his authority to treat Guam as a closed port with respect to the vessels and aircraft of foreign nations.

(Aug. 1, 1950, ch. 512, § 33, 64 Stat. 393.)

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. of this title.

§ 1421k–1. Repealed. Pub. L. 104–186, title II, § 224(2), Aug. 20, 1996, 110 Stat. 1752

Section, act Aug. 1, 1950, ch. 512, § 35, as added May 27, 1975, Pub. L. 94–26, § 1, 89 Stat. 94, related to clerk hire allowance and reimbursement for transportation expenses of the Delegate from Guam to the House of Representatives.

§ 1421*l*. Repealed. June 27, 1952, ch. 477, § 403(a)(42), 66 Stat. 280

Section, act Oct. 14, 1940, ch. 876, § 206, as added Aug. 1, 1950, ch. 512, § 4(a), 64 Stat. 384, granted United States citizenship to persons born or living on Guam on or after Apr. 11, 1899.

§ 1421m. Repealed. Pub. L. 91–513, title III, § 1101(a)(8), Oct. 27, 1970, 84 Stat. 1292

Section, act Aug. 1, 1956, ch. 852, § 15, 70 Stat. 910, prohibited production, manufacture, compounding, posses-

sion, sale, dispensation, administration, or transportation of marihuana in Guam. See section 801 et seq. of Title 21, Food and Drugs. Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91–513, set out as an Effective Date note under section 951 of Title 21, Food and Drugs.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunction proceedings commenced, prior to the effective date of repeal of this section by section 1101 of Pub. L. 91–513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91–513, set out as a note under section 171 of Title 21, Food and Drugs.

§ 1421n. Applicability of Federal copyright laws

The laws of the United States relating to copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in Guam as in the continental United States.

(Aug. 1, 1956, ch. 852, § 24, 70 Stat. 911.)

REFERENCES IN TEXT

The laws of the United States relating to copyrights, referred to in text, are classified generally to Title 17, Copyrights.

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1421*o*. Federal assistance for fire control, watershed protection, and reforestation

The Secretary of Agriculture is authorized to provide financial and technical assistance to Guam for improving fire control, watershed protection and reforestation, consistent with existing laws, administered by the Secretary of Agriculture, which are applicable to the continental United States. The program authorized by this section shall be developed in cooperation with the territorial government of Guam and shall be covered by a memorandum of understanding agreed to by the territorial government and the Department. The Secretary may also utilize the agencies, facilities, and employees of the Department, and may cooperate with other public agencies and with private organizations and individuals in Guam and elsewhere.

(Pub. L. 93–421, § 1, Sept. 19, 1974, 88 Stat. 1154.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1421p of this title.

§ 1421p. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of section 1421*o* of this title. Sums appropriated in pursuance of sections 1421*o* and 1421p of this title may be allocated to such agencies of the Department as are concerned with the administration of the program in Guam.

(Pub. L. 93–421, § 2, Sept. 19, 1974, 88 Stat. 1154.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1421q. Applicability of Federal laws

The laws of the United States which are made applicable to the Northern Mariana Islands by the provisions of section 502(a)(1) of H.J. Res. 549,[1] as approved by the House of Representatives and the Senate, except for section 228 of title II [42 U.S.C. 428] and title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] as it applies to the several States and the Micronesia Claims Act [50 App. U.S.C. 2018 et seq.] as it applies to the Trust Territory of the Pacific Islands, shall be made applicable to Guam on the same terms and conditions as such laws are applied to the Northern Mariana Islands.

(Pub. L. 94–255, § 2, Apr. 1, 1976, 90 Stat. 300.)

REFERENCES IN TEXT

Section 502(a)(1) of H.J. Res. 549, referred to in text, probably means section 502(a)(1) of 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.

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XVI of the Social Security Act is classified generally to subchapter XVI (§ 1381 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Micronesia Claims Act, referred to in text, probably means the Micronesian Claims Act of 1971, Pub. L. 92–39, July 1, 1971, 85 Stat. 92, as amended, which was classified generally to section 2018 et seq. of Title 50, Appendix, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

§ 1421q–1. Applicability of laws referred to in section 502(a)(1) of Covenant to Establish a Commonwealth of the Northern Mariana Islands

Effective on the date when section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24, 1976 (90 Stat. 263) goes into force those laws which are referred to in section 502(a)(1) of said Covenant, except for any laws administered by the Social Security Administration, except for medicaid which is now administered by the Health Care

[1] See References in Text note below.

Financing Administration, and except the Micronesian Claims Act of 1971 (85 Stat. 96) shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands.

(Pub. L. 95–134, title IV, § 403, Oct. 15, 1977, 91 Stat. 1163; Pub. L. 95–135, § 1, Oct. 15, 1977, 91 Stat. 1166.)

REFERENCES IN TEXT

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, referred to in text, is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title. For Jan. 9, 1978, as the date section 502 of the Covenant came into force, see Proc. No. 4534, § 2, set out as a note under section 1801 of this title.

The joint resolution approved on March 24, 1976, referred to in text, is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I (§ 1801 et seq.) of chapter 17 of this title. For complete classification of this Act to the Code, see Tables.

The Micronesian Claims Act of 1971, referred to in text, is Pub. L. 92–39, July 1, 1971, 85 Stat. 92, as amended, which was classified generally to section 2018 et seq. of Title 50, Appendix, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

CODIFICATION

Section is also classified to section 1574–1 of this title.

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

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

AMENDMENTS

1977—Pub. L. 95–135 amended section generally. Prior to amendment, section read as follows: ''Effective on October 15, 1977, those laws, except for any laws administered by the Social Security Administration and except for medicaid which is now administered by the Health Care Financing Administration, which are referred to in section 502(a)(1) (except for the reference to the Micronesian Claims Act of 1971 (85 Stat. 96)) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24, 1976 (90 Stat. 263), and 502(a)(2) of said Covenant shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Commonwealth of the Northern Mariana Islands.''

EFFECTIVE DATE OF 1977 AMENDMENT

Section 2 of Pub. L. 95–135 provided that: ''This amendatory joint resolution [amending this section] shall be effective as of the approval of said Act entitled 'To authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes' (enrolled bill H.R. 6550, Ninety-fifth Congress, first session) [Pub. L. 95–134, approved Oct. 15, 1977].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1841 of this title.

SUBCHAPTER II—THE EXECUTIVE BRANCH

§ 1422. Governor and Lieutenant Governor; term of office; qualifications; powers and duties; annual report to Congress

The executive power of Guam shall be vested in an executive officer whose official title shall be the ''Governor of Guam''. The Governor of Guam, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Legislature of Guam. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified.

No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has intervened.

The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Guam during his incumbency.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this chapter. He shall appoint, and may remove, all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in Guam, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

There is hereby established the office of Lieutenant Governor of Guam. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this chapter or under the laws of Guam.

(Aug. 1, 1950, ch. 512, § 6, 64 Stat. 386; Sept. 11, 1968, Pub. L. 90–497, § 1, 82 Stat. 842; Oct. 19, 1982, Pub. L. 97–357, title I, § 104(a), 96 Stat. 1705.)

AMENDMENTS

1982—Pub. L. 97–357 substituted provisions relating to preparation, etc., of a comprehensive annual financial report to be submitted to the Congress, the Secretary of the Interior, and the Inspector General of the Department of the Interior, preparation of other reports as required by Congress or applicable Federal law, and submittal of a written statement of actions taken or contemplated on Federal audit recommendations for provisions relating to an annual report of transactions of the Guam government to the Secretary of the Interior for transmittal to Congress and such other reports as required by Congress or applicable Federal law.

1968—Pub. L. 90–497 established office of Lieutenant Governor of Guam, provided for popular election of Governor and Lieutenant Governor, declared persons elected for two full successive terms as Governor ineligible to serve again until the lapse of a full intervening term, set out qualifications of eligibility for Governor and Lieutenant Governor, and restated powers and duties of office of Governor.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 13 of Pub. L. 90–497 provided that: "Those provisions necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act [see Short Title of 1968 Amendment note set out under section 1421 of this title], unless otherwise expressly provided herein, shall be effective January 4, 1971."

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1428d of this title.

§ 1422a. Removal of Governor, Lieutenant Governor, or member of legislature; referendum election

(a) The people of Guam shall have the right of initiative and referendum, to be exercised under conditions and procedures specified in the laws of Guam.

(b) Any Governor, Lieutenant Governor, or member of the legislature of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such referendum election. The referendum election shall be initiated by the legislature of Guam following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) petition for such a referendum to the legislature by registered voters equal in number to at least 50 per centum of the whole number of votes cast at the last general election at which such official was elected preceding the filing of the petition.

(Aug. 1, 1950, ch. 512, § 7, 64 Stat. 387; Sept. 11, 1968, Pub. L. 90–497, § 2, 82 Stat. 844; Oct. 19, 1982, Pub. L. 97–357, title I, § 101, 96 Stat. 1705.)

AMENDMENTS

1982—Subsec. (a). Pub. L. 97–357 added subsec. (a).

Subsec. (b). Pub. L. 97–357 redesignated existing provisions as subsec. (b) and inserted provisions relating to the removal of a Lieutenant Governor or member of the legislature of Guam.

1968—Pub. L. 90–497 substituted provisions for the removal of the Governor of Guam through a referendum election for provisions for the appointment, tenure, powers, and duties of the Secretary of Guam.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1422b. Vacancy in office of Governor or Lieutenant Governor

(a) Temporary disability or temporary absence of Governor

In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(b) Permanent vacancy in office of Governor

In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall, or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall be-

come the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

(c) Temporary disability or temporary absence of Lieutenant Governor

In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the speaker of the Guam Legislature shall act as Lieutenant Governor.

(d) Permanent vacancy in office of Lieutenant Governor

In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

(e) Temporary disability or temporary absence of both Governor and Lieutenant Governor

In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Guam may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of Guam.

(f) Additional compensation

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this chapter.

(Aug. 1, 1950, ch. 512, § 8, 64 Stat. 387; Mar. 16, 1962, Pub. L. 87–419, § 1, 76 Stat. 34; Sept. 11, 1968, Pub. L. 90–497, § 3, 82 Stat. 844.)

AMENDMENTS

1968—Pub. L. 90–497 designated existing provisions as subsec. (a), substituted provisions that the Lieutenant Governor have the powers of the Governor in the event of the temporary disability or temporary absence of the Governor for provisions authorizing the appointed department head to designate an acting Governor in the case of a vacancy or temporary absence of both the Governor and the Secretary of Guam, and added subsecs. (b) to (f).

1962—Pub. L. 87–419 provided for appointment of an acting secretary under certain conditions, prescribed the powers of such secretary and proscribed additional compensation for an acting Governor or acting secretary.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1422c. Executive agencies and instrumentalities

(a) Appointment of heads; establishment of merit system; Civil Service Commission

The Governor shall, except as otherwise provided in this chapter or the laws of Guam, appoint, by and with the advice and consent of the legislature, all heads of executive agencies and instrumentalities. The legislature shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such merit system. The Government of Guam may by law establish a Civil Service Commission to administer the merit system. Members of the commission may be removed as provided by the laws of Guam.

(b) Powers and duties of officers

All officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law.

(c) Reorganization

The Governor shall, from time to time, examine the organization of the executive branch of the government of Guam, and shall determine and carry out such changes therein as are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of Guam.

(d) Continuation in office of incumbents

All persons holding office in Guam on August 1, 1950 may, except as otherwise provided in this chapter, continue to hold their respective offices until their successors are appointed and qualified.

(Aug. 1, 1950, ch. 512, § 9, 64 Stat. 387; Sept. 11, 1968, Pub. L. 90–497, § 4, 82 Stat. 845; Aug. 27, 1986, Pub. L. 99–396, § 18(a), 100 Stat. 843.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99–396 inserted provisions authorizing establishment of Civil Service Commission and removal of commission members as provided by laws of Guam.

1968—Subsec. (a). Pub. L. 90–497, § 4(a), struck out requirement that, in making appointments, preference be given persons of Guamanian ancestry and that opportunities for higher education and use of service training facilities be provided to qualified persons of Guamanian ancestry.

Subsec. (b). Pub. L. 90–497, § 4(b), struck out provision authorizing the Governor to appoint or remove any officer whose appointment or removal is not otherwise provided for.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 4(a) of Pub. L 90–497 provided that the amendment made by such section 4(a) is effective on date of enactment of Pub. L. 90–497, which was approved on Sept. 11, 1968.

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1422d. Transfer of functions from government comptroller for Guam to Inspector General, Department of the Interior

(a) Functions, powers, and duties transferred

The following functions, powers, and duties heretofore vested in the government comptroller

for Guam are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of Guam:

(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of Guam, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

(2) The authority to report to the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

(b) Scope of authority transferred

The authority granted in paragraph (a) of this section shall extend to all activities of the government of Guam, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

(c) Transfer of personnel, assets, etc., of office of government comptroller for Guam to Office of Inspector General, Department of the Interior

In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.

(Aug. 1, 1950, ch. 512, § 9–A, as added Oct. 19, 1982, Pub. L. 97–357, title I, § 104(b), 96 Stat. 1706.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (b), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 1422d, act Aug. 1, 1950, ch. 512, § 9–A, as added Sept. 11, 1968, Pub. L. 90–497, § 5, 82 Stat. 845; amended Oct. 15, 1977, Pub. L. 95–134, title II, § 203(a), 91 Stat. 1161, related to the creation, auditing function, and reporting duty of the office of a government comptroller for Guam, prior to repeal by Pub. L. 97–357, § 104(b).

SUBCHAPTER III—THE LEGISLATURE

§ 1423. Legislature of Guam

(a) Unicameral nature; power

The legislative power and authority of Guam shall be vested in a legislature, consisting of a single house, to be designated the ''Legislature of Guam'', herein referred to as the legislature.

(b) Size of legislature; prohibition against denial of equal protection; at large and district representation

The legislature shall be composed of not to exceed twenty-one members, to be known as senators, elected at large, or elected from legislative districts or elected in part at large and in part from legislative districts, as the laws of Guam may direct: *Provided*, That any districting and any apportionment pursuant to this authorization and provided for by the laws of Guam shall not deny to any person in Guam the equal protection of the laws: *And provided further*, That in any elections to the legislature, every elector shall be permitted to vote for the whole number of at-large candidates to be elected, and every elector residing in a legislative district shall be permitted to vote for the whole number of candidates to be elected within that district.

(c) Reapportionment; Federal census base

Any districting and related apportionment pursuant to this section shall be based upon the then most recent Federal population census of Guam, and any such districting and apportionment shall be reexamined following each successive Federal population census of Guam and shall be modified, if necessary, to be consistent with that census.

(d) Timing of biennial elections

General elections to the legislature shall be held on the Tuesday next after the first Monday in November, biennially in even-numbered years. The legislature in all respects shall be organized and shall sit according to the laws of Guam.

(Aug. 1, 1950, ch. 512, § 10, 64 Stat. 387; Sept. 2, 1966, Pub. L. 89–552, § 1, 80 Stat. 375; Dec. 8, 1983, Pub. L. 98–213, § 5(b), 97 Stat. 1460.)

AMENDMENTS

1983—Subsec. (c). Pub. L. 98–213 substituted ''Any'' for ''The laws of Guam shall not alter the manner in which members of the legislature are to be elected as provided in subsection (b) of this section more often than at ten-year intervals: *Provided*, That any''.

1966—Pub. L. 89–552 authorized election of senators in whole or in part from legislative districts if the laws of Guam so directed, provided that the legislators be called senators, prohibited any districting or apportionment which denied equal protection of the laws to any person in Guam, required that electors be permitted to vote for the whole number of candidates to be elected both within his district and at large, prohibited reapportionment oftener than at 10-year intervals, and required that any redistricting be based upon the latest Federal census.

AMENDMENT OF LAWS OF GUAM TO CONFORM TO CHANGES MADE BY PUB. L. 89–552

Section 2 of Pub. L. 89–552 provided that: ''As soon as practicable after enactment of this Act [Sept. 2, 1966], and subject to the conditions and requirements of section 10 of the Organic Act of Guam, as amended by section 1 hereof [this section], the laws of Guam shall be amended to make provision for the manner of the election of members of the legislature. Until the laws of Guam shall make such provision the method of electing the legislature shall remain as it is upon the date of enactment of this Act.''

§ 1423a. Power of legislature; limitation on indebtedness of Guam; bond issues; guarantees for purchase by Federal Financing Bank of Guam Power Authority bonds or other obligations; interest rates; default

The legislative power of Guam shall extend to all subjects of legislation of local application

not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for purposes of the government of Guam as may be uniformly provided by the Legislature of Guam, and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the government of Guam: *Provided, however*, That no public indebtedness of Guam shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in Guam. Bonds or other obligations of the government of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Guam within the meaning of this section. All bonds issued by the government of Guam or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of Guam, or by any State or Territory or any political subdivision thereof, or by the District of Columbia. The Secretary of the Interior (hereafter in this section referred to as ''Secretary'') is authorized to guarantee for purchase by the Federal Financing Bank bonds or other obligations of the Guam Power Authority maturing on or before December 31, 1978, which shall be issued in order to refinance short-term notes due or existing on June 1, 1976 and other indebtedness not evidenced by bonds or notes in an aggregate amount of not more than $36 million, and such bank, in addition to its other powers, is authorized to purchase, receive or otherwise acquire these same. The interest rate on obligations purchased by the Federal Financing Bank shall be not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 per centum, plus 1 per centum per annum. The Secretary, with the concurrence of the Secretary of the Treasury, may extend the guarantee provision of the previous sentence until December 31, 1980. The Secretary, upon determining that the Guam Power Authority is unable to refinance on reasonable terms the obligations purchased by the Federal Financing Bank under the fifth sentence of this section by December 31, 1980, may, with the concurrence of the Secretary of the Treasury, guarantee for purchase by the Federal Financing Bank; and such bank is authorized to purchase, obligations of the Guam Power Authority issued to refinance the principal amount of the obligations guaranteed under the fifth sentence of this section. The obligations that refinance such principal amount shall mature not later than December 31, 1990, and shall bear interest at a rate determined in accordance with section 2285 of title 12. At the request of the Board of Directors of the Guam Power Authority for a second refinancing agreement and conditioned on the approval of the Government of Guam pursuant to the law of Guam, and conditioned on the establishment of an independent rate-making authority by the Government of Guam, the Secretary may guarantee for purchase by the Federal Financing Bank, on or before December 31, 1984, according to an agreement that shall provide for—

(a) substantially equal semiannual installments of principal and interest;

(b) maturity of obligations no later than December 31, 2004;

(c) authority for the Secretary, should there be a violation of a provision of this legislation, or covenants or stipulations contained in the refinancing document and after giving sixty days notice of such violation to the Guam Power Authority and the Governor of Guam, to dismiss members of the Board of Directors or the general manager of the Guam Power Authority, and (1) appoint in their place members or a general manager who shall serve at the pleasure of the Secretary, or (2) contract for the management of the Guam Power Authority; and

(d) an annual simple interest rate of seven per centum; and

the Federal Financing Bank shall purchase such Guam Power Authority obligations if such Guam Power Authority obligations are issued to refinance the principal amount scheduled to mature on December 31, 1990. Should such second refinancing occur, (1) the independent rate-making authority to be established by the Government of Guam, or in its absence, the Board of Directors of the Guam Power Authority, shall establish rates sufficient to satisfy all financial obligations and future capital investment needs of the Guam Power Authority that shall be consistent with generally accepted rate-making practices of public utilities, and (2) the Government of Guam shall not modify the requirements of such refinancing agreement without agreement of the Secretary. There are authorized to be appropriated to the Secretary of the Interior for payment to the Federal Financing Bank such sums as are necessary to pay (1) the repurchase payment required under the fifth paragraph of the December 31, 1980, note from the Guam Power Authority to the Federal Financing Bank and any subsequent repurchase payments required under the second refinancing agreement, and (2) the interest rate differential between the seven per centum to be paid by the Guam Power Authority and the second refinancing agreement and the interest rate that would otherwise be determined in accordance with the above cited section 2285 of title 12. Should the Guam Power Authority fail to pay in full any installment of interest or principal when due on the bonds or other obligations guaranteed under this section, the Secretary of the Treasury, upon notice from the Secretary shall deduct and pay to the Federal Financing Bank or the Secretary, according to their respective interests, such unpaid amounts from sums collected and payable pursuant to section 1421h of this title. Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the government of Guam which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the United States may have against the government of Guam or the Guam Power

Authority pursuant to this guarantee. For the purpose of this chapter, under section 3713(a) of title 31 the term ''person'' includes the government of Guam and the Guam Power Authority. The Secretary may place such stipulations as he deems appropriate on the bonds or other obligations he guarantees.

(Aug. 1, 1950, ch. 512, § 11, 64 Stat. 387; Sept. 3, 1976, Pub. L. 94–395, 90 Stat. 1199; Mar. 12, 1980, Pub. L. 96–205, title III, § 303, 94 Stat. 88; Oct. 5, 1984, Pub. L. 98–454, title II, § 203, 98 Stat. 1733.)

CODIFICATION

''Section 3713(a) of title 31'' substituted in text for ''section 3466 of the Revised Statutes (31 U.S.C. 191)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1984—Pub. L. 98–454 inserted provisions relating to authority of Secretary to guarantee for purchase by the Federal Financing Bank, obligations of the Guam Power Authority to be used for a second refinancing of the principal amount due to mature on December 31, 1990.

1980—Pub. L. 96–205 substituted provisions relating to guarantees by the Secretary of the purchase by the Federal Financing Bank of the refinancing obligations of the Guam Power Authority where such refinancing obligations remain outstanding by Dec. 31, 1980, for provisions relating to payment of interest and default on maturity of guaranteed bonds or other obligations issued prior to Dec. 31, 1980.

1976—Pub. L. 94–395 inserted provisions relating to authority of Secretary of the Interior to guarantee for purchase by the Federal Financing Bank bonds or other obligations of the Guam Power Authority maturing on or before Dec. 31, 1978.

§ 1423b. Selection and qualification of members; officers; rules and regulations; quorum

The legislature shall be the judge of the selection and qualification of its own members. It shall choose from its members its own officers, determine its rules and procedure, not inconsistent with this chapter, and keep a journal. The quorum of the legislature shall consist of eleven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(Aug. 1, 1950, ch. 512, § 12, 64 Stat. 388; Sept. 11, 1968, Pub. L. 90–497, § 6(b), 82 Stat. 846.)

AMENDMENTS

1968—Pub. L. 90–497 inserted a quorum requirement, provided that a quorum of the legislature consist of eleven of its members, and made presence of a quorum requisite to passage of a law.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6(b) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

§ 1423c. Privileges of members

(a) The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the legislature and in going to and returning from the same.

(b) No member of the legislature shall be held to answer before any tribunal other than the legislature itself for any speech or debate in the legislature.

(Aug. 1, 1950, ch. 512, § 13, 64 Stat. 388.)

§ 1423d. Oath of office

Every member of the legislature and all officers of the government of Guam shall take the following oath or affirmation:

''I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Legislature (or as an officer of the government of Guam).''

(Aug. 1, 1950, ch. 512, § 14, 64 Stat. 388.)

§ 1423e. Prohibition against acceptance of salary increases or newly created offices

No member of the legislature shall, during the term for which he was elected or during the year following the expiration of such term, be appointed to any office which has been created, or the salary or emoluments of which have been increased during such term.

(Aug. 1, 1950, ch. 512, § 15, 64 Stat. 388.)

§ 1423f. Qualifications of members

No person shall sit in the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years and who has not been domiciled in Guam for at least five years immediately preceding the sitting of the legislature in which he seeks to qualify as a member, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights.

(Aug. 1, 1950, ch. 512, § 16, 64 Stat. 388.)

§ 1423g. Vacancies

Vacancies occurring in the legislature shall be filled as the legislature shall provide, except that no person filling a vacancy shall hold office longer than for the remainder of the term for which his predecessor was elected.

(Aug. 1, 1950, ch. 512, § 17, 64 Stat. 388.)

§ 1423h. Regular and special sessions

Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when, in his opinion, the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.

(Aug. 1, 1950, ch. 512, § 18, 64 Stat. 388; Sept. 11, 1968, Pub. L. 90–497, § 6(a), 82 Stat. 846.)

AMENDMENTS

1968—Pub. L. 90–497 removed 60-day limitation on the length of regular sessions and 14-day limitation on the length of special sessions of the legislature.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6(a) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

§ 1423i. Approval of bills

Every bill passed by the legislature shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If he does not return it within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect. All laws enacted by the legislature shall be reported by the Governor to the head of the department or agency designated by the President under section 1421a of this title. The Congress of the United States reserves the power and authority to annul the same.

(Aug. 1, 1950, ch. 512, § 19, 64 Stat. 389; Sept. 11, 1968, Pub. L. 90–497, § 8, 82 Stat. 847; Jan. 2, 1975, Pub. L. 93–608, § 1(14), 88 Stat. 1969.)

AMENDMENTS

1975—Pub. L. 93–608 struck out requirement that reports be transmitted to Congress by the Secretary concerned.

1968—Pub. L. 90–497, § 8(a), struck out President's authority to veto territorial legislation referred by the Governor after such legislation had been passed by the legislature over the Governor's veto.

Pub. L. 90–497, § 8(b), struck out provision that, if Congress did not annul laws passed by the legislature and reported to Congress within one year of the date of its receipt by Congress, such laws were deemed to have been approved by Congress.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 8(b) of Pub. L. 90–497 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90–497, which was approved Sept. 11, 1968.

Amendment by Pub. L. 90–497 necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments unless otherwise provided effective Jan. 4, 1971, see section 13 of Pub. L. 90–497, set out as a note under section 1422 of this title.

§ 1423j. Authorization of appropriations

(a) Appropriations, except as otherwise provided in this chapter, and except such appropriations as shall be made from time to time by the Congress of the United States, shall be made by the legislature.

(b) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated, item by item.

(c) All appropriations made prior to August 1, 1950 shall be available to the government of Guam.

(Aug. 1, 1950, ch. 512, § 20, 64 Stat. 389.)

§ 1423k. Right of petition

The legislature or any person or group of persons in Guam shall have the unrestricted right of petition. It shall be the duty of all officers of the government to receive and without delay to act upon or forward, as the case may require, any such petition.

(Aug. 1, 1950, ch. 512, § 21, 64 Stat. 389.)

CROSS REFERENCES

Petition for redress of grievances, see Const. Amend. 1.

§ 1423*l*. Omitted

CODIFICATION

Section, act Oct. 5, 1992, Pub. L. 102–381, title I, 106 Stat. 1392, which authorized Territorial and local governments of Guam to make purchases through General Services Administration, was from the Department of the Interior and Related Agencies Appropriations Act, 1992, and was not repeated in subsequent appropriation acts. See section 1469e of this title. Similar provisions were contained in the following prior appropriation acts:

Nov. 13, 1991, Pub. L. 102–154, title I, 105 Stat. 1007.
Nov. 5, 1990, Pub. L. 101–512, title I, 104 Stat. 1932.
Oct. 23, 1989, Pub. L. 101–121, title I, 103 Stat. 716.
Sept. 27, 1988, Pub. L. 100–446, title I, 102 Stat. 1797.
Dec. 22, 1987, Pub. L. 100–202, § 101(g) [title I], 101 Stat. 1329–213, 1329–231.
Oct. 18, 1986, Pub. L. 99–500, § 101(h) [title I], 100 Stat. 1783–242, 1783–258, and Oct. 30, 1986, Pub. L. 99–591, § 101(h) [title I], 100 Stat. 3341–242, 3341–258.
Dec. 19, 1985, Pub. L. 99–190, § 101(d) [title I], 99 Stat. 1224, 1238.
Oct. 12, 1984, Pub. L. 98–473, title I, § 101(c) [title I], 98 Stat. 1837, 1851.
Nov. 4, 1983, Pub. L. 98–146, title I, 97 Stat. 931.
Dec. 30, 1982, Pub. L. 97–394, title I, 96 Stat. 1979.
Dec. 23, 1981, Pub. L. 97–100, title I, 95 Stat. 1401.
Dec. 12, 1980, Pub. L. 96–514, title I, 94 Stat. 2969.
Nov. 27, 1979, Pub. L. 96–126, title I, 93 Stat. 965.
Oct. 17, 1978, Pub. L. 95–465, title I, 92 Stat. 1289.
July 26, 1977, Pub. L. 95–74, title I, 91 Stat. 295.
July 31, 1976, Pub. L. 94–373, title I, 90 Stat. 1052.

Dec. 23, 1975, Pub. L. 94–165, title I, 89 Stat. 987.
Aug. 31, 1974, Pub. L. 93–404, title I, 88 Stat. 812.
Oct. 4, 1973, Pub. L. 93–120, title I, 87 Stat. 433.
Aug. 10, 1972, Pub. L. 92–369, title I, 86 Stat. 512.
Aug. 10, 1971, Pub. L. 92–76, title I, 85 Stat. 233.
July 31, 1970, Pub. L. 91–361, title I, 84 Stat. 673.
Oct. 29, 1969, Pub. L. 91–98, title I, 83 Stat. 151.
July 26, 1968, Pub. L. 90–425, title I, 82 Stat. 430.
June 24, 1967, Pub. L. 90–28, title I, 81 Stat. 63.
May 31, 1966, Pub. L. 89–435, title I, 80 Stat. 174.
June 28, 1965, Pub. L. 89–52, title I, 79 Stat. 179.
July 7, 1964, Pub. L. 88–356, title I, 78 Stat. 278.
July 26, 1963, Pub. L. 88–79, title I, 77 Stat. 102.
Aug. 9, 1962, Pub. L. 87–578, title I, 76 Stat. 339.
Aug. 3, 1961, Pub. L. 87–122, title I, 75 Stat. 250.
May 13, 1960, Pub. L. 86–455, title I, 74 Stat. 112.
June 23, 1959, Pub. L. 86–60, title I, 73 Stat. 101.
June 4, 1958, Pub. L. 85–439, title I, 72 Stat. 163.
July 1, 1957, Pub. L. 85–77, title I, 71 Stat. 265.
June 13, 1956, ch. 380, title I, 70 Stat. 264.
June 16, 1955, ch. 147, title I, 69 Stat. 149.
July 1, 1954, ch. 446, title I, 68 Stat. 372.
July 31, 1953, ch. 298, title I, 67 Stat. 273.
July 9, 1952, ch. 597, title I, 66 Stat. 457.
Aug. 31, 1951, ch. 375, title I, 65 Stat. 263.
Sept. 6, 1950, ch. 896, Ch. VII, title I, 64 Stat. 694.

SUBCHAPTER IV—THE JUDICIARY

§ 1424. District Court of Guam; local courts; jurisdiction

(a) District Court of Guam; local courts

The judicial authority of Guam shall be vested in a court of record established by Congress, designated the ''District Court of Guam,'' and such local court or courts as may have been or shall hereafter be established by the laws of Guam in conformity with section 1424–1 of this title.

(b) Jurisdiction

The District Court of Guam shall have the jurisdiction of a district court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, and that of a bankruptcy court of the United States.

(c) Original jurisdiction

In addition to the jurisdiction described in subsection (b) of this section, the District Court of Guam shall have original jurisdiction in all other causes in Guam, jurisdiction over which is not then vested by the legislature in another court or other courts established by it. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by the laws of Guam for the purpose of determining the requirements of indictment by grand jury or trial by jury.

(Aug. 1, 1950, ch. 512, § 22, 64 Stat. 389; Aug. 27, 1954, ch. 1017, § 1, 68 Stat. 882; June 4, 1958, Pub. L. 85–444, §§ 1, 2, 72 Stat. 178, 179; Nov. 6, 1978, Pub. L. 95–598, title III, § 335, 92 Stat. 2680; Oct. 5, 1984, Pub. L. 98–454, title VIII, §§ 801, 803, title X, § 1001, 98 Stat. 1741, 1743, 1745.)

AMENDMENTS

1984—Pub. L. 98–454 amended section generally, striking out language which directed that no provisions of any rules which authorized or required trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, repealed that portion of section 1 of act Aug. 27, 1954, which had inserted such language originally, repealed section 335 of Pub. L. 95–598, which had amended this section, and transferred out of this section into sections 1424–1 to 1424–4, with amendments, the remaining provisions formerly set out in this section relating to the creation, jurisdiction, and rules governing procedure in the Guam judicial system.

1978—Subsec. (a). Pub. L. 95–598, § 335(a), inserted ''and a bankruptcy court''.

Subsec. (b). Pub. L. 95–598, § 335(b), substituted ''section 2075 of title 28, in cases under title 11,'' for ''section 53 of title 11, in bankruptcy cases;''.

1958—Subsec. (a). Pub. L. 85–444 provided that the District Court of Guam shall have jurisdiction in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, and to insert the paragraph requiring appeals to the District Court to be heard and determined by an appellate division.

1954—Subsec. (b). Act Aug. 27, 1954, inserted provisions making it clear that trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall not be required in the District Court of Guam until so required by laws enacted by the Legislature of Guam; and defining the terms ''attorney for the government'', and ''United States attorney'', as used in the Federal Rules of Criminal Procedure, when applicable to cases arising under the laws of Guam.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1005 of Pub. L. 98–454 provided that: ''Titles VII, VIII, IX, and X of this Act [enacting sections 1424–1 to 1424–4, 1493, and 1613a of this title, repealing section 1400 of this title, amending this section and sections 1424b, 1561, 1611, 1612, 1613, 1614, 1615, 1617, 1694, and 1821 to 1824 of this title, and enacting provisions set out as notes under sections 1424b, 1612, and 1614 of this title and section 373 of Title 28, Judiciary and Judicial Procedure] shall become effective on the ninetieth day following their enactment [Oct. 5, 1984].''

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 335(b) of Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Section 402(e) of Pub. L. 95–598, which provided a prospective effective date for the amendment of subsec. (a) by section 335(a) of Pub. L. 95–598, was repealed by section 1001 of Pub. L. 98–454.

EFFECTIVE DATE OF 1954 AMENDMENT

Section 2 of act Aug. 27, 1954, provided that: ''The amendment made by section 1 [amending this section] shall be deemed to be in effect as of August 1, 1950.''

SEPARABILITY

Section 4 of act Aug. 27, 1954, provided: ''If any particular provision of this Act [amending this section and enacting provisions set out as notes under this section], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.''

NONREVERSAL OF CONVICTIONS PRIOR TO AUGUST 27, 1954

Section 3 of act Aug. 27, 1954, provided: ''No conviction of a defendant in a criminal proceeding in the District Court of Guam heretofore had shall be reversed or set aside on the ground that the defendant was not indicted by a grand jury or tried by a petit jury.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1421i, 1424–1 of this title.

§ 1424–1. Local courts; composition; appellate court; jurisdiction; practice and procedure; qualifications and duties of judges

(a) Composition; establishment of appellate court

The local courts of Guam shall consist of such trial court or courts as may have been or may hereafter be established by the laws of Guam. On or after the effective date of this Act, the legislature of Guam may in its discretion establish an appellate court.

(b) Jurisdiction

The legislature may vest in the local courts jurisdiction over all causes in Guam over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam by section 1424(b) of this title.

(c) Practice and procedure; qualifications and duties of judges

The practice and procedure in the local courts and the qualifications and duties of the judges thereof shall be governed by the laws of Guam and the rules of those courts.

(Aug. 1, 1950, ch. 512, § 22A, as added Oct. 5, 1984, Pub. L. 98–454, title VIII, § 801, 98 Stat. 1742.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (a), is the effective date of title VIII of Pub. L. 98–454, which is 90 days after Oct. 5, 1984.

EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1424, 1424–2, 1424–3 of this title.

§ 1424–2. Relations between courts of United States and courts of Guam; review by United States Court of Appeals for Ninth Circuit; reports to Congress; rules

The relations between the courts established by the Constitution or laws of the United States and the local courts of Guam with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 1424–1(a) of this title, the United States Court of Appeals for the Ninth Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of Guam from which a decision could be had. The Judicial Council of the Ninth Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.[1]

(Aug. 1, 1950, ch. 512, § 22B, as added Oct. 5, 1984, Pub. L. 98–454, title VIII, § 801, 98 Stat. 1742; amended Nov. 2, 1994, Pub. L. 103–437, § 17(a)(1), 108 Stat. 4595.)

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' before ''of the House''.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1424–3. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules; appeals to appellate court

(a) Appellate jurisdiction of District Court

Prior to the establishment of the appellate court authorized by section 1424–1(a) of this title, the District Court of Guam shall have such appellate jurisdiction over the local courts of Guam as the legislature may determine: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of Guam or of any orders or regulations issued or actions taken by the executive branch of the government of Guam with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The district judge shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division of any session shall be designated by the presiding

[1] So in original. Probably should be ''section.''

judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1424b of this title: *Provided*, That no more than one of them may be a judge of a court of record of Guam. The concurrence of two judges shall be necessary to any decision of the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

(c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules

The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(d) Appeals to appellate court; effect on District Court

Upon the establishment of the appellate court provided for in section 1424–1(a) of this title all appeals from the decisions of the local courts not previously taken must be taken to the appellate court. The establishment of that appellate court shall not result in the loss of jurisdiction of the appellate division of the district court over any appeal then pending in it. The rulings of the appellate division of the district court on such appeals may be reviewed in the United States Court of Appeals for the Ninth Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

(Aug. 1, 1950, ch. 512, § 22C, as added Oct. 5, 1984, Pub. L. 98–454, title VIII, § 801, 98 Stat. 1742.)

EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1424–4. Criminal offenses; procedure; definitions

Where appropriate, the provisions of part II of title 18 and of title 28, United States Code, and notwithstanding the provision in rule 54(a) Federal Rules of Criminal Procedure relating to the prosecution of criminal offenses on Guam by information, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28, United States Code, shall apply to the District Court of Guam and appeals therefrom; except that the terms, ''Attorney for the government'' and ''United States attorney'', as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, including the Guam Territorial income tax, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein.

(Aug. 1, 1950, ch. 512, § 22D, as added Oct. 5, 1984, Pub. L. 98–454, title VIII, § 801, 98 Stat. 1743.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in text, are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1424a. Repealed. Oct. 31, 1951, ch. 655, § 56(e), 65 Stat. 729

Section, act Aug. 1, 1950, ch. 512, § 23, 64 Stat. 390, related to appeals from the District Court of Guam to the United States Court of Appeals for the Ninth Circuit, and to the United States Supreme Court. See sections 41, 1252, 1291, 1292, and 1294 of Title 28, Judiciary and Judicial Procedure.

SAVINGS PROVISION

Subsec. (*l*) of section 56 of act Oct. 31, 1951, provided that the repeal by section 56 of act Oct. 31, 1951, shall not affect any rights or liabilities existing hereunder on the effective date of that repeal (Oct. 31, 1951).

§ 1424b. Judge of District Court; appointment, tenure, removal, and compensation; appointment of United States attorney and marshal

(a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of ten years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of a local court of record or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit or a recalled senior judge of the District Court of Guam or of the District Court for the Northern Mariana Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for Guam to whose offices the provisions of chapters 35 and 37 of title 28, respectively, shall apply.

(Aug. 1, 1950, ch. 512, § 24, 64 Stat. 390; Oct. 31, 1951, ch. 655, § 55(a), 65 Stat. 728; June 4, 1958, Pub. L. 85–444, § 3, 72 Stat. 179; Oct. 5, 1984, Pub. L. 98–454, title VIII, § 802, 98 Stat. 1743.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–454, § 802(a)–(c), substituted ''for the term of ten years'' for ''for a term of eight years'' in first par., and, in second par., substituted ''a local court of record'' for ''the Island Court

of Guam'' and inserted ''or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands'' after ''ninth circuit''.

Subsec. (b). Pub. L. 98–454, § 802(d), substituted ''35'' and ''37'' for ''31'' and ''33'' respectively.

Subsec. (c). Pub. L. 98–454, § 802(e), struck out subsec. (c) which provided that chapters 43 and 49 of title 28 shall apply to the District Court of Guam.

1958—Subsec. (a). Pub. L. 85–444 increased the term of office from four to eight years, substituted provisions requiring the salary of the judge to be at the rate prescribed for judges of the United States district courts for provisions which required the salary of the judge to be the same as salary of the Governor of Guam, and inserted provisions permitting the Chief Judge of the Ninth Circuit to make temporary assignments.

1951—Subsec. (a). Act Oct. 31, 1951, in second sentence, struck out '', and shall be entitled to the benefits of retirement provided in section 373 of title 28''.

Subsec. (c). Act Oct. 31, 1951, struck out references to chapters 21, 41, and 57 of title 28.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendments by Pub. L. 98–454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98–454, set out as a note under section 1424 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of this title.

EXTENSION OF TERM OF DISTRICT JUDGES; APPLICABILITY; EFFECTIVE DATE

Section 1004 of Pub. L. 98–454 provided that: ''The provisions of sections 706(a), 802(a), and 901(a) of this Act [amending sections 1614, 1424b, and 1821, respectively, of this title] extending the terms of district court judges of the Virgin Islands, Guam, and the Northern Mariana Islands, respectively, from eight to ten years shall be applicable to the judges of those courts holding office on the effective date of this Act [Oct. 5, 1984].''

CROSS REFERENCES

Compensation of district court judges, see section 135 of Title 28, Judiciary and Judicial Procedure.

Court officers and employees, general provisions applicable to, see section 951 et. seq. of Title 28.

General provisions applicable to courts and judges, see section 451 et seq. of Title 28.

Provisions relating to Administrative Office of the United States Courts, applicability to District Court of Guam, see section 610 of Title 28.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1424, 1424–3 of this title.

§ 1424c. Review of claims respecting land on Guam

(a) Jurisdiction

Notwithstanding any law or court decision to the contrary, the District Court of Guam is hereby granted authority and jurisdiction to review claims of persons, their heirs or legatees, from whom interests in land on Guam were acquired other than through judicial condemnation proceedings, in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, by the United States between July 21, 1944, and August 23, 1963, and to award fair compensation in those cases where it is determined that less than fair market value was paid as a result of (1) duress, unfair influence, or other unconscionable actions, or (2) unfair, unjust, and inequitable actions of the United States.

(b) Acquisitions effected through condemnation proceedings

Land acquisitions effected through judicial condemnation proceedings in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, shall remain res judicata and shall not be subject to review hereunder.

(c) Fair compensation

Fair compensation for purposes of this Act is defined as such additional amounts as are necessary to effect payment of fair market value at the time of acquisition, if it is determined that, as a result of duress, unfair influence, or other unconscionable actions, fair market value was not paid.

(d) Employment of special masters or judges

The District Court of Guam may employ and utilize the services of such special masters or judges as are necessary to carry out the intent and purposes hereof.

(e) Awards

Awards made hereunder shall be judgments against the United States.

(f) Limitation on attorney's fees; violation; penalty

Attorney's fees paid by claimants to counsel representing them may not exceed 5 per centum of any additional award. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both. A reasonable attorney's fee may be awarded in appropriate cases.

(g) Availability of documents, records, and writings to court

All agencies and departments of the United States Government shall, upon request, deliver to the court any documents, records, and writings which are pertinent to any claim under review.

(Pub. L. 95–134, title II, § 204, Oct. 15, 1977, 91 Stat. 1162; Pub. L. 96–205, title III, § 301(a), Mar. 12, 1980, 94 Stat. 87.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95–134, Oct. 15, 1977, 91 Stat. 1159, as amended, popularly known as the Omnibus Territories Act of 1977, which enacted sections 1421q–1, 1424c, 1469a, and 1574–1 of this title, amended sections 1421i, 1422d, 1428, 1574, 1575, 1599, and 1681b of this title, enacted provisions set out as a note under section 1903 of this title, section 7651 of Title 26, Internal Revenue Code, and section 1457 of Title 43, Public Lands, and amended provisions set out as a note under section 1681 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

AMENDMENTS

1980—Subsec. (c). Pub. L. 96–205 struck out provisions prohibiting allowance of interest on additional amounts of award.

TREATMENT OF CERTAIN AWARDS BY DISTRICT COURT OF GUAM

Pub. L. 100–647, title VI, § 6140, Nov. 10, 1988, 102 Stat. 3724, provided that: ''For purposes of the internal revenue laws of the United States and Guam, gross income shall not include any amount received pursuant to any claim over which the District Court of Guam has jurisdiction by reason of section 204 of Public Law 95–134 [this section] (commonly referred to as the Omnibus Territories Act of 1977). This section shall be effective for taxable years beginning after December 31, 1985.''

COMMENCEMENT OF CIVIL ACTIONS BEFORE APRIL 1, 1982

Section 301(b) of Pub. L. 96–205 provided that: ''Any civil action under section 204 of the Omnibus Territories Act of 1977 (91 Stat. 1162) [this section] shall be barred unless it is commenced not later than April 1, 1982.''

SUBCHAPTER V—PUBLIC HOUSING AND URBAN RENEWAL

§ 1425. Omitted

CODIFICATION

Section, act June 27, 1934, ch. 847, § 214, as added Apr. 23, 1949, ch. 89, § 2(a), 63 Stat. 57, and amended, related to insurance of mortgages on property in Guam. See section 1715d of Title 12, Banks and Banking.

§ 1425a. Legislative authority to create authorities; appointment of members; powers of authorities

The Legislature of Guam may by law grant to a public corporate authority, existing or to be created by or under such law, powers to undertake urban renewal and housing activities in Guam. Such legislature may by law provide for the appointment, terms of office, or removal of the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available, and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the territory of Guam for any loan whatever.

(Pub. L. 88–171, § 1, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1425b. Issuance of notes, bonds, and obligations

The Legislature of Guam may by law authorize such authority, any provision of the Organic Act of Guam [48 U.S.C. 1421 et seq.], or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislature may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of Guam other than such authority, nor constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to Guam or to any agency thereof.

(Pub. L. 88–171, § 2, Nov. 4, 1963, 77 Stat. 304.)

REFERENCES IN TEXT

The Organic Act of Guam, referred to in text, is act Aug. 1, 1950, ch. 512, 64 Stat. 384, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1425c. Authorization of loans, conveyances, etc.

The Legislature of Guam may by law assist such authority by furnishing, or authorizing the furnishing of, cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may by law take other action in aid of urban renewal or housing or related activities.

(Pub. L. 88–171, § 3, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1425d. Ratification of prior act

Each and every part of Public Law 6–135, approved December 18, 1962, heretofore enacted by the Legislature of Guam dealing with any part of the subject matter of sections 1425a to 1425e of this title and not inconsistent therewith is ratified and confirmed.

(Pub. L. 88–171, § 4, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1425e. Additional powers

Powers granted herein shall be in addition to, and not in derogation of, any powers granted by other law to, or for the benefit or assistance of, any public corporate authority.

(Pub. L. 88–171, § 5, Nov. 4, 1963, 77 Stat. 304.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1425d of this title.

§ 1426. Repealed. Aug. 2, 1954, ch. 649, title II, § 205, 68 Stat. 622

Section, acts Apr. 23, 1949, ch. 89, § 2(b), 63 Stat. 58; June 30, 1953, ch. 170, § 25(b), 67 Stat. 128, related to purchase of insured mortgage loans by the Federal National Mortgage Association, with respect to property in Guam. Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SUBCHAPTER VI—GUAM DEVELOPMENT FUND

§ 1428. Authorization of appropriations

(a) For the purpose of promoting economic development in the territory of Guam, there is authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam for the purposes of this subchapter the sum of $5,000,000.

(b) In addition to the appropriations authorized in subsection (a) of this section, $1,000,000 is authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam annually for five fiscal years commencing in fiscal year 1978 to carry out the purposes of this subchapter.

(Pub. L. 90–601, § 2, Oct. 17, 1968, 82 Stat. 1172; Pub. L. 95–134, title II, § 202, Oct. 15, 1977, 91 Stat. 1161.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

AMENDMENTS

1977—Pub. L. 95–134 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1428b of this title.

§ 1428a. Submission of plan for use of funds; contents of plan; term, interest rate, and premium charge of loan

Prior to receiving any funds pursuant to this subchapter the government of Guam shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall designate an agency or agencies of such government as the agency or agencies for the administration of the plan and shall set forth the policies and procedures to be followed in furthering the economic development of Guam through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry in Guam through a revolving fund for such purposes: *Provided*, That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on outstanding marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of Guam; and that premium charges for the insurance and guarantee of loans shall be commensurate, in the judgment of the agency or agencies administering the fund, with expenses and risks covered.

(Pub. L. 90–601, § 3, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1428c of this title.

§ 1428b. Prerequisite for loan or loan guarantee; maximum participation in available funds; reserves for loan guarantees

No loan or loan guarantee shall be made under this subchapter to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 1428 of this title shall be limited (a) so that not more than 25 per centum of the funds actually appropriated by the Congress may be devoted to any single project (b) to 90 per centum of loan guarantee, and (c) with respect to all loans, to that decree of participation prudent under the circumstances of individual loans but directly related to the minimum essential participation necessary to accomplish the purposes of this subchapter: *Provided*, That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantees shall not be less than 25 per centum of the guarantee.

(Pub. L. 90–601, § 4, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1428c. Accounting procedures

The plan provided for in section 1428a of this title shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

(Pub. L. 90–601, § 5, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1428d. Report for inclusion in annual report by Governor

The Governor of Guam shall include in the annual report to Congress required pursuant to section 1422 of this title a report on the administration of this subchapter.

(Pub. L. 90–601, § 6, Oct. 17, 1968, 82 Stat. 1173; Pub. L. 96–470, title II, § 206(c), Oct. 19, 1980, 94 Stat. 2244.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

AMENDMENTS

1980—Pub. L. 96–470 substituted provision requiring the Governor of Guam to include in his report to Congress under section 1422 of this title a report on the administration of this subchapter for provision requiring the Governor of Guam to make an annual report to the Secretary of the Interior on administration of this subchapter, copies of which were to be forwarded to the Speaker of the House of Representatives and the President of the Senate.

§ 1428e. Audit of books and records of agency, or agencies, administering loan funds

The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of Guam administering the plan that are pertinent to the funds received under this subchapter.

(Pub. L. 90–601, § 7, Oct. 17, 1968, 82 Stat. 1173.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

CHAPTER 9—SAMOA, TUTUILA, MANUA, SWAINS ISLAND, AND TRUST TERRITORY OF THE PACIFIC ISLANDS

§§ 1431 to 1440. Transferred

Section 1431, act Mar. 4, 1925, ch. 563, 43 Stat. 1357, which related to sovereignty of United States extended over Swains Island, was transferred to section 1662 of this title.

Section 1431a, acts Feb. 20, 1929, ch. 281, 45 Stat. 1253; May 22, 1929, ch. 6, 46 Stat. 4, which related to islands of Tutuila, Manua, and Eastern Samoa, was transferred to section 1661 of this title.

Section 1432, act June 28, 1906, ch. 3585, 34 Stat. 552, which related to acknowledgment of deeds in the islands of Samoa, was transferred to section 1663 of this title.

Section 1433, act June 14, 1934, ch. 523, 48 Stat. 963, which related to inapplicability of coastwise shipping laws to Samoa, was transferred to section 1664 of this title.

Section 1434, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 457, which related to purchases by governments of Samoa, was transferred to section 1665 of this title.

Section 1435, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to purchases by governments of Pacific Trust Territory, was transferred to section 1682 of this title. Act June 30, 1954, ch. 423, § 1, formerly set out as a note under this section, and which related to continuance of civil government for the Trust Territory, is classified to section 1681 of this title. Section 2 of that act, which provided for annual appropriation authorization, is set out as a note under section 1681 of this title.

Section 1436, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to auditing transactions of Pacific Trust Territory, was transferred to section 1683 of this title.

Section 1437, act July 9, 1952, ch. 597, title I, § 101, 66 Stat. 458, which related to expenditure of funds for administration of Pacific Trust Territory, was transferred to section 1684 of this title.

Section 1438, act July 9, 1952, ch. 597, title I, § 108, 66 Stat. 460, which related to transfer of property or money for administration of Pacific Trust Territory, was transferred to section 1685 of this title.

Section 1439, act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 274, which related to approval by Congress of new activity in Pacific Trust Territory, was transferred to section 1686 of this title and was subsequently omitted from the Code.

Section 1440, Pub. L. 85–77, title I, § 1, July 1, 1957, 71 Stat. 266, which related to expenditure of appropriations for Pacific Trust Territory for aircraft and surface vessels, was transferred to section 1687 of this title.

CHAPTER 10—TERRITORIAL PROVISIONS OF A GENERAL NATURE

Sec.
1451. Rights of Indians not impaired; boundaries.
1452. Regulation of Indians.
1453 to 1469–1. Repealed.
1469a. Congressional declaration of policy respecting ''Insular Areas''.
1469a–1. Full amounts to be covered into treasuries of Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands; reductions prohibited.
1469b. Auditing of transactions of Territorial and local governments.
1469c. Availability of services, facilities, and equipment of agencies and instrumentalities of United States; reimbursement requirements.
1469d. General technical assistance.
(a) Assistance with matters generally within responsibility of governments; methods of assistance.
(b) Agricultural plantings and physical facilities, assistance for peoples of Enewetak Atoll and Bikini Atoll.
(c) Extension of programs administered by Department of Agriculture to Guam, Northern Mariana Islands, etc.
(d) Authorization of appropriations.
1469e. Insular government purchases.
1470 to 1488. Repealed or Omitted.
1489. Loss of title of United States to lands in territories through adverse possession or prescription forbidden.
1490. Repealed.
1491. License, permit, etc., for transportation for storage or storage of spent nuclear fuel or high-level radioactive waste; prerequisites; applicability; ''territory or possession'' defined.
1492. Energy resources of Caribbean and Pacific insular areas.
(a) Congressional findings.
(b) Congressional declaration of policy.
(c) Comprehensive energy plan.
(d) Demonstration of cost effective renewable energy technologies.
(e) Submission of comprehensive energy plan to Congress.
(f) Authorization of appropriations.
(g) Financial assistance.
1493. Prosecution; authorization to seek review; local or Federal appellate courts; decisions, judgments or orders.
1494. Purposes.
1494a. Annual reports to Congress.
(a) In general.
(b) Transmission date.
1494b. Enforcement and administration in insular areas.
(a) American Samoa.
(b) Guam.
(c) Northern Mariana Islands.
(d) Puerto Rico.
(e) Virgin Islands.