

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 Pub. L. 98-454, title VIII, §801, Oct. 5, 1984, 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 Repealed.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

Act Oct. 31, 1951, ch. 655, §56(l), 65 Stat. 730, 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; Pub. L. 85-444, §3, June 4, 1958, 72 Stat. 179; Pub. L. 98-454, title VIII, §802, Oct. 5, 1984, 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

Pub. L. 98-454, title X, §1004, Oct. 5, 1984, 98 Stat. 1746, 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]."

#### § 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. 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

Pub. L. 96-205, title III, §301(b), Mar. 12, 1980, 94 Stat. 87, 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.

**§ 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