

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]."

#### **§ 1421r. Port of Guam Improvement Enterprise Program**

##### **(a) In general**

The Secretary of Transportation, acting through the Administrator of the Maritime Administration (in this section referred to as the "Administrator"), may establish a Port of Guam Improvement Enterprise Program (in this section referred to as the "Program") to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

##### **(b) Authorities of the Administrator**

In carrying out the Program, the Administrator may—

(1) receive funds provided for the Program from Federal and non-Federal entities, including private entities;

(2) provide for coordination among appropriate governmental agencies to expedite the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects carried out under the Program;

(3) provide for coordination among appropriate governmental agencies in connection with other reviews and requirements applicable to projects carried out under the Program; and

(4) provide technical assistance to the Port Authority of Guam (and its agents) as needed for projects carried out under the Program.

##### **(c) Port of Guam Improvement Enterprise Fund**

###### **(1) Establishment**

There is established in the Treasury of the United States a separate account to be known as the "Port of Guam Improvement Enterprise Fund" (in this section referred to as the "Fund").

###### **(2) Deposits**

There shall be deposited into the Fund—

(A) amounts received by the Administrator from Federal and non-Federal sources under subsection (b)(1);

(B) amounts transferred to the Administrator under subsection (d); and

(C) amounts appropriated to carry out this section under subsection (f).

###### **(3) Use of amounts**

Amounts in the Fund shall be available to the Administrator to carry out the Program.

###### **(4) Administrative expenses**

Not to exceed 3 percent of the amounts appropriated to the Fund for a fiscal year may be used for administrative expenses of the Administrator.

###### **(5) Availability of amounts**

Amounts in the Fund shall remain available until expended.

##### **(d) Transfers of amounts**

Amounts appropriated or otherwise made available for any fiscal year for an intermodal

or marine facility comprising a component of the Program shall be transferred to and administered by the Administrator.

##### **(e) Limitation**

Nothing in this section shall be construed to authorize amounts made available under section 165 of title 23 or any other amounts made available for the construction of highways or amounts otherwise not eligible for making port improvements to be deposited into the Fund.

##### **(f) Authorization of appropriations**

There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this section.

(Pub. L. 110-417, div. C, title XXXV, §3512, Oct. 14, 2008, 122 Stat. 4770; Pub. L. 111-383, div. A, title X, §1075(e)(20), Jan. 7, 2011, 124 Stat. 4375; Pub. L. 112-141, div. A, title I, §1114(b)(2)(C), July 6, 2012, 126 Stat. 468.)

#### **Editorial Notes**

##### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

##### CODIFICATION

Section was enacted as part of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 and not as part of the Organic Act of Guam which comprises this chapter.

##### AMENDMENTS

2012—Subsec. (e). Pub. L. 112-141 substituted "section 165" for "section 215".

2011—Subsec. (f). Pub. L. 111-383 inserted period at end.

#### **Statutory Notes and Related Subsidiaries**

##### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

#### 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 also make such other reports at such other times as may be required by the Congress or under applicable Federal law. 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; Pub. L. 90-497, §1, Sept. 11, 1968, 82 Stat. 842; Pub. L. 97-357, title I, §104(a), Oct. 19, 1982, 96 Stat. 1705; Pub. L. 105-362, title IX, §901(m), Nov. 10, 1998, 112 Stat. 3290.)

### Editorial Notes

#### AMENDMENTS

1998—Pub. L. 105-362, in sixth par., struck out “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.” after “other information required by the Congress.” and “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.” after “under applicable Federal law.”

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.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-497, §13, Sept. 11, 1968, 82 Stat. 848, 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.”

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in the 1st sentence of the 6th paragraph of this section relating to the requirement that the Governor submit a comprehensive annual financial report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 9th item on page 115 of House Document No. 103-7.

## SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of Guam, see section 1701 et seq. 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; Pub. L. 90-497, §2, Sept. 11, 1968, 82 Stat. 844; Pub. L. 97-357, title I, §101, Oct. 19, 1982, 96 Stat. 1705.)

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

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 become 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; Pub. L. 87-419, §1, Mar. 16, 1962, 76 Stat. 34; Pub. L. 90-497, §3, Sept. 11, 1968, 82 Stat. 844.)

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-497 necessary to authorize the holding of an election for Governor and Lieutenant