

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

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; Pub. L. 90-497, §4, Sept. 11, 1968, 82 Stat. 845; Pub. L. 99-396, §18(a), Aug. 27, 1986, 100 Stat. 843.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-497, §4(a), Sept. 11, 1968, 82 Stat. 845, 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) 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 Pub. L. 97-357, title I, §104(b), Oct. 19, 1982, 96 Stat. 1706.)

Editorial Notes

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).