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Statutory Notes and Related Subsidiaries

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.

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.)

Statutory Notes and Related Subsidiaries

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 2002 AMENDMENT

Pub. L. 107-212, § 1, Aug. 21, 2002, 116 Stat. 1051, provided that: "This Act [amending section 1421i of this title and enacting provisions set out as a note under

section 1421i of this title] may be cited as the ‘Guam Foreign Investment Equity Act’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-291, §1, Oct. 27, 1998, 112 Stat. 2785, provided that: “This Act [amending sections 1421g, 1423a, and 1423b of this title] may be cited as the ‘Guam Organic Act Amendments of 1998’.”

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, 1423n, 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

Act Aug. 1, 1950, ch. 512, §1, 64 Stat. 384, 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.

Executive Documents

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; Pub. L. 86-316, Sept. 21, 1959, 73 Stat. 588; Pub. L. 90-497, §12(a), Sept. 11, 1968, 82 Stat. 847.)

Editorial Notes

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.

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.

§ 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 unreasonable 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.