

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
	<i>Acres</i>	
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	Agafa 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 #12.
21-50	1,820.148	Proposed Boundary of NAS Agana, Housing Area #7.
22-50	37.519	C. A. A. Site (Area #90).
23-50	3.575	Tumon Maui Well (Water Tunnel).
24-50	49.277	Tumon Bay Recreation Area (Road and AV-Gas Fuel Line Parcel #1).
25-50	0.208	Utility Easement from Rt. #1 to Rt. #6 (Coontz Junction).
26-50	65.300	Tumon Bay Recreation Area (Area #78).
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 #26).
30-50	17.793	Sub Transmission System Piti Steam Plant to Command Center.
31-50	28.888	Route #1 (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 #30).
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.)

Editorial Notes

REFERENCES IN TEXT

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

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.

§ 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.

(d) Attorney General

(1) The Attorney General of Guam shall be the Chief Legal Officer of the Government of Guam. At such time as the Office of the Attorney General of Guam shall next become vacant, the Attorney General of Guam shall be appointed by the Governor of Guam with the advice and consent of the legislature, and shall serve at the pleasure of the Governor of Guam.

(2) Instead of an appointed Attorney General, the legislature may, by law, provide for the election of the Attorney General of Guam by the qualified voters of Guam in general elections after 1998 in which the Governor of Guam is elected. The term of an elected Attorney General shall be 4 years. The Attorney General may be removed by the people of Guam according to the procedures specified in section 1422d of this title or may be removed for cause in accordance with procedures established by the legislature in law. A vacancy in the office of an elected Attorney General shall be filled—

(A) by appointment by the Governor of Guam if such vacancy occurs less than 6 months before a general election for the Office of Attorney General of Guam; or

(B) by a special election held no sooner than 3 months after such vacancy occurs and no later than 6 months before a general election for Attorney General of Guam, and by appointment by the Governor of Guam pending a special election under this subparagraph.

(Aug. 1, 1950, ch. 512, §29, 64 Stat. 392; Pub. L. 99-396, §§5, 13, Aug. 27, 1986, 100 Stat. 839, 842; Pub. L. 105-291, §2, Oct. 27, 1998, 112 Stat. 2785.)

Editorial Notes

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-291 added subsec. (d).

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

Editorial Notes

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”.