

1421o and 1421p of this title may be allocated to such agencies of the Department as are concerned with the administration of the program in Guam.

(Pub. L. 93–421, §2, Sept. 19, 1974, 88 Stat. 1154.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1421q. Applicability of Federal laws

The laws of the United States which are made applicable to the Northern Mariana Islands by the provisions of section 502(a)(1) of H.J. Res. 549,¹ as approved by the House of Representatives and the Senate, except for section 228 of title II [42 U.S.C. 428] and title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] as it applies to the several States and the Micronesia Claims Act as it applies to the Trust Territory of the Pacific Islands, shall be made applicable to Guam on the same terms and conditions as such laws are applied to the Northern Mariana Islands.

(Pub. L. 94–255, §2, Apr. 1, 1976, 90 Stat. 300.)

Editorial Notes

REFERENCES IN TEXT

Section 502(a)(1) of H.J. Res. 549, referred to in text, probably means section 502(a)(1) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, which is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title.

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XVI of the Social Security Act is classified generally to subchapter XVI (§1381 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Micronesia Claims Act, referred to in text, probably means the Micronesian Claims Act of 1971, Pub. L. 92–39, July 1, 1971, 85 Stat. 92, which was classified generally to section 2018 et seq. of the former Appendix to Title 50, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

Executive Documents

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.

§ 1421q–1. Applicability of laws referred to in section 502(a)(1) of Covenant to Establish a Commonwealth of the Northern Mariana Islands

Effective on the date when section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by

joint resolution approved on March 24, 1976 (90 Stat. 263) goes into force those laws which are referred to in section 502(a)(1) of said Covenant, except for any laws administered by the Social Security Administration, except for medicaid which is now administered by the Centers for Medicare & Medicaid Services, and except the Micronesian Claims Act of 1971 (85 Stat. 96) shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands.

(Pub. L. 95–134, title IV, §403, Oct. 15, 1977, 91 Stat. 1163; Pub. L. 95–135, §1, Oct. 15, 1977, 91 Stat. 1166; Pub. L. 108–173, title IX, §900(e)(7), Dec. 8, 2003, 117 Stat. 2374.)

Editorial Notes

REFERENCES IN TEXT

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, referred to in text, is contained in section 1 of Pub. L. 94–241, set out as a note under section 1801 of this title. For Jan. 9, 1978, as the date section 502 of the Covenant came into force, see Proc. No. 4534, §2, set out as a note under section 1801 of this title.

The joint resolution approved on March 24, 1976, referred to in text, is Pub. L. 94–241, Mar. 24, 1976, 90 Stat. 263, which is classified generally to subchapter I (§1801 et seq.) of chapter 17 of this title. For complete classification of this Act to the Code, see Tables.

The Micronesian Claims Act of 1971, referred to in text, is Pub. L. 92–39, July 1, 1971, 85 Stat. 92, which was classified generally to section 2018 et seq. of the former Appendix to Title 50, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

CODIFICATION

Section is also classified to section 1574–1 of this title.

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

Section was formerly set out as a note under section 1681 of this title.

AMENDMENTS

2003—Pub. L. 108–173 substituted “Centers for Medicare & Medicaid Services” for “Health Care Financing Administration”.

1977—Pub. L. 95–135 amended section generally. Prior to amendment, section read as follows: “Effective on October 15, 1977, those laws, except for any laws administered by the Social Security Administration and except for medicaid which is now administered by the Health Care Financing Administration, which are referred to in section 502(a)(1) (except for the reference to the Micronesian Claims Act of 1971 (85 Stat. 96)) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24, 1976 (90 Stat. 263), and 502(a)(2) of said Covenant shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Commonwealth of the Northern Mariana Islands.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95–135, §2, Oct. 15, 1977, 91 Stat. 1166, provided that: “This amendatory joint resolution [amending this section] shall be effective as of the approval of said Act entitled ‘To authorize certain appropriations for the

¹ See References in Text note below.

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