

GOVERNMENT OF GUAM: A REFERENCE GUIDE



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PREFACE

It was almost two years ago that this project of compiling reference material on the Government of Guam was conceived. The need for such a project was recognized in the process of assigning topics for research in my graduate class, Introduction to Research. It was found that there was no unified source of reference information available on various GovGuam agencies and commissions anywhere on Guam. Keeping this in mind that there is an urgent need for a reference volume similar to the Blue Book of California, that in the Spring of 1981, I assigned some of my graduate students in Administrative Policies and Practices class to investigate topics related to missions, objectives, functions, staffing patterns, budget, and leadership styles of all agencies of GovGuam. The project was divided among students based upon their interests and willingness to collect material in areas of their choice. The assignment turned out to be very time consuming and frustrating for students to complete in one semester. Several students indicated their desire to continue to pursue the project during the summer months and beyond.

Throughout the period, there were many moments of despair. These were not caused by the lack of availability of information but due to the reluctance of public officials to share information with students and the instructor alike. Many letters of inquiry were sent, personal appointments were made to collect documents. We succeeded in most cases except a few. Some of the advisory councils and commissions to the Governor are dormant and others meet very

infrequently and informally.

Our determination to publish the available information is made on the ground that the research of this nature usually becomes obsolete in a relative short time due to the periodic changes in the representative type of government and personnel changes in the bureaucracy. Many changes were made in the final draft before the deadline of submitting it to the press.

There are many comrades, those who have spent many long hours in the preparation of this Guide. Without their assistance, it would not have been possible to finish it on time. They are all my graduate students. Many thanks to Enrique F. Aflague and Kenneth Crocket for collecting materials on GovGuam Departments; John Goodrich for compiling organizational charts; Louredes Maravilla Huges on the Guam Legislature; Richard Harvey on the Executive branch of the Government; Chou Yen on educational institutions.

One of the most outstanding students who worked very diligently on the topic of the Judiciary was Bernice Needham. All of us who worked on this project are very sorry that her fresh ideas, maturity and exceptional ability will be missed at the time of revision on this project.

Two persons must be single out for their exceptional contributions. Senator Frank F. Blas, Vice Speaker and the Majority Leader of the Fifteenth Guam Legislature, allowed his staff to search any information I needed for the project; and Frank R. San Agustin, Administrative Services Officer, Mental Health and Substance Abuse Agency, Government of Guam, and a candidate for the M.P.A. degree

at the University of Guam. Frank prepared a chapter on the budget which was revised many times according to the changes made by the Legislature and the Executive. Additionally, he was very helpful in opening many bureaucratic doors for me. His help was clearly beyond the call of duty.

My special thanks are to Mrs. Dora Eggert. She is responsible for typing the first draft of this Guide as well as typing my previous manuscript on Small Business and Public Policy in America. She kept a complete record on the progress of this project. The task of typing the final draft fell on Ms. Eleanor B. Alferos & Ms. Julie M. San Agustin. Their assistance is greatly appreciated.

It is a team project. Under the existing circumstances, the team did exceptionally well, however, I take the full responsibility for omissions, errors, and judgements.

Latte Heights, Guam

Thanksgiving Day, 1981.

BRIEF HISTORY OF GUAM

PEOPLE OF GUAM

The original inhabitants of Guam may have come from Southeast Asia some 3,000 years ago. They were tall, strong, and robust people resembling the Polynesians of Hawaii, Samoa, Tahiti and New Zealand.

Following the near extermination of the Chamorro men during the Spanish-Chamorro wars, there was, over the years, extensive intermarriage between Guamanian women and men of other nationalities. This is due to the blending of the influences of great many societies such as the Spanish, European, Filipino and Oriental cultures. The indigenous Guamanians are distinctly different from Orientals, Filipinos, Caucasian and Malaysians. They are generally referred to as "Chamorros", a term representing everything that is traditionally Guamanian. A strong native strain still runs through the present-day Guamanians.

Despite the rapid pace at which Guam is modernizing, the heritage of Guam has been preserved - the widely spoken Chamorro language, closely knit family ties, active religious devotion, village fiestas, family weddings and wakes, all play a major part in the lives of the Chamorro people. Yet Guam is not a closed society. The people are friendly, hospitable, open minded and gregarious. Off-islanders find it easy to assimilate with island culture - their friendship and loyalty.

POPULATION

Between the 1970 and 1980 census years, the population of Guam increased from 84,996 to 105,816 - an increase of 25% including the military population of 20,260. According to the best estimates available, Guamanians account for 48% of the total population, Caucasians 24%, Filipinos 20%, and the rest consist of Chinese, Japanese, Koreans and other ethnic groups. The island community consists of 19 villages/districts, each represented by an elected commissioner. The largest of the 19 villages/districts, in terms of population, are Dededo and Tamuning, which together comprise 35% of the civilian and military population. Yigo and Barrigada account for 17%. These are all northern villages/districts which together amount to a quarter of Guam's land area.

PHYSICAL CHARACTERISTICS

Guam, the westernmost territory of the United States, is located in the Western Pacific approximately 3,700 miles from Hawaii, 6,000 miles from San Francisco, 1,550 miles from Tokyo, 1,600 miles from Manila and 2,100 miles from Hong Kong. Guam is the largest and most populated island between Hawaii and the Philippines. It is approximately 34 miles long, ranging from four to eight miles in width and has a land mass of 214 square miles.

CLIMATE

Although Guam is only 13 degrees north of the equator, the

climate is tempered throughout the year by brisk trade winds. Temperatures range between 70° F. and 95° F. with an annual mean of 81° F. The humidity is relatively high with an annual average of 73%. In wet summer months, it may rise to 90% or above.

POLITICAL STATUS

Guam has been a territorial possession of the United States since 1898, with the exception of a brief period during World War II, when the Island was occupied by the Japanese military forces. Its territorial status was resumed with the United States re-occupation of the Island in July, 1944.

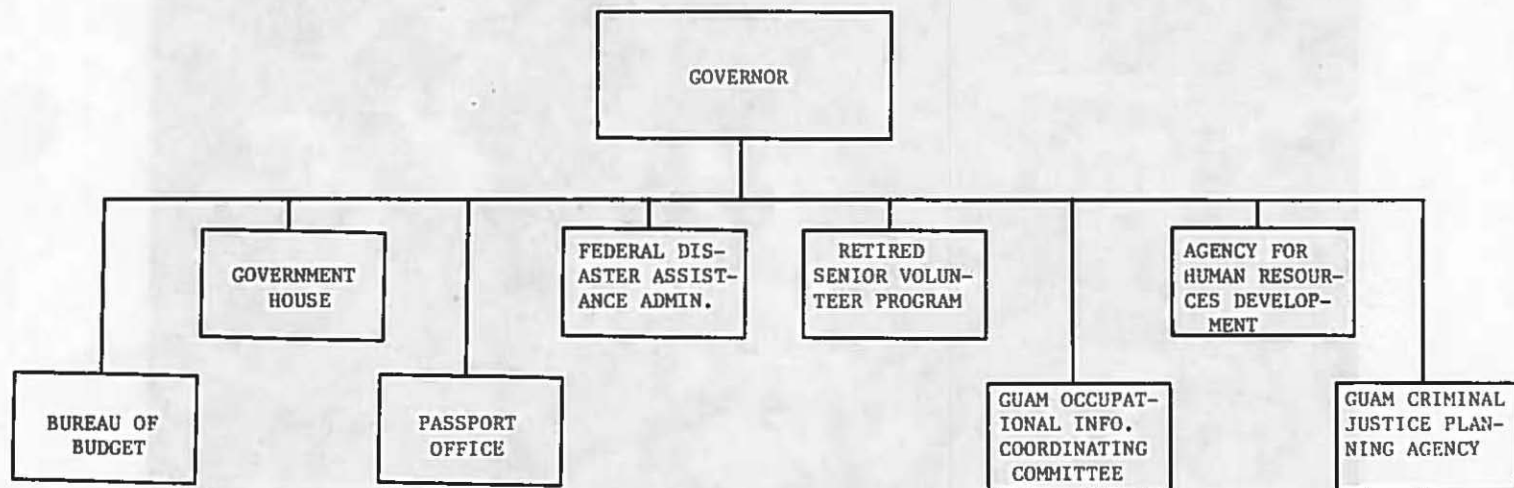
From the American reoccupation in 1944 until 1950, Guam was under the U.S. Naval Administration. In the same year, the Guam Organic Act was passed by the U.S. Congress, setting up a civilian government with a locally elected legislature and a Governor appointed by the President of the United States. This act also granted the local residents of Guam U.S. citizenship.

In 1970, for the first time, the Governor of Guam was elected by the people of Guam and inauguration ceremonies were held on January, 1971. The legislative power of Guam is invested in a locally-elected legislature, consisting of 21 members, and constituting mainly a unicameral political system. Under the Governor and the Legislature are a series of departments and operating divisions which perform such duties as are necessary to the operations of the government and to carry out their responsibilities by law.

TOURISM

Guam's greatest income producer in the private sector is the visitor industry, ranking second only to the military as the island's source of revenue. It has earned this distinction from the past years. In 1967, Guam entertained less than 50,000 visitors. Seven years later, in 1974 there were approximately 260,568 visitors to the Island, an increase of almost five times. In 1980, the number of visitors increased to 300,767. The estimated visitor expenditure in 1979 was \$132 million as compared to \$180 million in 1980. Due to the growing tourist industry and the rapidly rising resident income, social life is becoming lively. The beautiful Tumon beach is dotted with several first-class hotels featuring top entertainers from all parts of the world. There are numerous first-class eating and drinking establishments on the Island.

OFFICE OF THE GOVERNOR





PAUL M. CALVO
GOVERNOR OF GUAM

OFFICE OF THE GOVERNOR

Under the immediate direction of the Governor, this office determines the broad goals of the territory of Guam, develops policies, establishes priorities, and provides for the effective and efficient management of the territory's resources and programs; provides executive direction, program coordination, and community leadership for the development of the territory and ultimately, to enhance the general well-being of the people of Guam.

Under the Organic Act of Guam, the Governor is granted general supervision and control over all agencies in the Executive branch. This office prepares an executive budget for each fiscal year and submits this to the Legislature annually; administers the execution of the budget as approved by the Legislature.

The Governor, Chief Executive of this office, grants pardons and reprieves for offenses against local laws. He is responsible for the faithful execution of the laws of Guam and the laws of the United States which are applicable to Guam. He submits to the Secretary of Interior an annual report about the activities of the Government of Guam. He recommends bills to the Legislature, and may veto any legislation as empowered to him by the Organic Act. Whenever it becomes necessary, he may declare martial law.

This office is also responsible for the dissemination of information to insure public awareness of government decisions and actions.

PASSPORT OFFICE

This division is responsible for the issuance and certification of United States passport documents to U.S. Citizens. It facilitates the effective issuance of documents to meet the needs of the citizens who desire to travel abroad and reduces the amount of waiting time for processing of documents.

GOVERNMENT HOUSE

This division is responsible for maintenance of the official Governor's facility and to provide domestic services for official State functions. It ensures that the official Government House is adequately provided with domestic and host services for both the Governor's family and visiting dignitaries. One of the goals of this division is to improve the physical appearance and overall cleanliness of the official Government House and improve the variety of menus provided for the Governor and other dignitaries.

INSULAR ARTS COUNCIL

The Insular Arts Council is responsible for the implementation of programs to increase opportunities for citizens appreciation and enjoyment of the arts and to provide opportunities for the presentation of a variety of programs and activities in Performing

Arts, Education in the Arts, community Artists and Research in the Arts, and Museum and Gallery Programs. The Council encourages individual artists and groups in performance and pormotion of creativity in the Arts. It assists existing independent institutions of the Arts and identifies and preserves Guam's Cultural Heritage through Visual Arts, Music and Dance programs, in consultation with Senior Citizens groups. It also carries out the intent of the Insular Arts Council State Plan aimed at fostering and encouraging public interest in the development of local and ethnic Arts. The Council encourages community arts organizations in participating and in preparing for Regional Exchange programs in the Arts, through the Consortium on Pacific Arts and Cultures (C-PAC). The Council coordinates efforts with the public and private schools in enhancing the quality of Arts Education in Guam's schools. The goals of the Council are to increase the number of citizens participating in artistics programs and the promotion of cultural events, and to encourage creation of Community Arts Organizations throughout the villages of Guam.

Statutory Basis: Organic Act of Guam,



JOSEPH F. ADA
LIEUTENANT GOVERNOR OF GUAM

OFFICE OF THE LIEUTENANT GOVERNOR

Under the direction of the Governor, this office provides general supervision over all agencies within the executive branch, and during the absence of the Governor from the territory, is responsible for the faithful execution of the laws of the territory; provides executive direction, program coordination, and leadership for the community.

This office is the designated State Clearinghouse. Functioning in this capacity, this office reviews all program applications for federal assistance to encourage a high level of coordination and to create a climate for intergovernmental cooperation.

Administers the Guam Federal Fund Liaison Office in San Francisco, California.

As delegated by the Governor, the Lt. Governor heads special tasks forces, and represents the Governor at public functions; serves as the coordinator between the Administration and the Legislature in his capacity as Chairman of the Policy Review Committee.

LOCAL OFFICE

The office of the Lieutenant Governor is responsible for the execution and enforcement of Policy Development Program coordination and leadership pursuant to law. The office is also responsible for the administration of Guam liaison offices located off-island. This office enhances program development of Government of Guam agencies by reviewing and coordinating Federal grant-in-aid

programs and major Capital Improvement Projects. It also provides leadership and representation in the absence of the Governor and assists the Governor on all matters concerning health, safety and welfare of the Island. The goals of this office are to act as coordinating office and clearinghouse for all Federal programs, to coordinate all policy and program development and formulations, including legislative matters, and to coordinate the efforts of various departments and agencies as directed by the Governor.

SAN FRANCISCO OFFICE

This division acts as a liaison for Government of Guam with regards to all federal programs and matters that may be beneficial for Guam's development or welfare. This division improves and facilitates communication between Guam State Clearinghouse for federally funded programs of the Government of Guam and federal agencies in Region 9, in San Francisco. It also provides identification of programs for which Guam may be eligible and not aware of. The goals of this division are to expedite the communication and approval of federal grant application between Guam's Clearinghouse on federal programs with the federal agencies in the United States mainland, to relate to Chamorro Community Organization in the United States Mainland, to disseminate business information of Guam to United States businesses, and to update Guam on eligible grants or program.

WASHINGTON OFFICE

This division acts as a liaison for Government of Guam with regards to all Federal matters that may be beneficial to Guam's development

or welfare. This division improves and facilitates communication between the local government and the federal government regarding grant-in-aid programs; provides timely information regarding federal programs for which Guam may be eligible and not aware of; and establishes communication with Congressional leaders. The goals of this division are to expedite the communication and approval of federal grant applications submitted by Guam applicants to federal agencies, to assist in the development of Congressional legislation relating to Guam, to disseminate information of Guam to individuals and organizations, and to assist Guam leaders and visitors in locating offices and other places in the nation's Capitol.

Statutory Basis: Organic Act of Guam; Chapter V, Title VI of the Government Code of Guam.

WHO'S WHO IN THE GOVERNOR'S OFFICE

PAUL MCDONALD CALVO is the third elected Governor of Guam. He was born on July 25, 1934. He attended George Washington High School, Peacock Military Academy in San Antonio, and the University of Santa Clara where he received a B.S. degree in Commerce in 1958. Governor Calvo is married and has eight children. Prior to his election as Governor of Guam, he was a Corporate Officer for Calvo Enterprises Incorporated. His previous government positions were as Senator in the 8th, 11th, and 12th Guam Legislatures.

JOSEPH FRANKLIN ADA is the third elected Lieutenant Governor of Guam. He was born in December, 1943. He attended John F. Kennedy High School and the University of Portland in Oregon where he received a B.A. degree in Finance and Economics in 1968. Lieutenant Governor Ada is married and has three children. Prior to his election as Lieutenant Governor, he was Speaker of the 14th Guam Legislature. He also held the position of Deputy Director of the Department of Public Works as well as Speaker for the 12th, 13th, and 14th Guam Legislatures.

LORENZO C. AFLAGUE is the Special Assistant to the Governor for Community and Military Affairs. Additionally, he is serving as Director of the Selective Service System for Guam on an uncompensated capacity. He is a graduate of the St. Thomas Military Academy and attended the St. Thomas College, St. Paul, Minnesota. Other government positions include Staff Officer for Senator

Palomo during the 14th Guam Legislature, appointed by the President to serve as Director for the Selective Service System on Guam, and was Campaign Manager for Calvo/Ada Gubernatorial Campaign.

JOSEPH G. BAMBA is the Special Assistant to the Governor for Fiscal Affairs, Legislative and Governmental Affairs, and Staff Assistant to the Governor. He received his education from Father Duenas Memorial School and the University of Guam. Other employment includes Staff Assistant for the Office of the Guam Delegate to Congress and Manager of the Bamba Insurance Underwriters, Incorporated.

JOSE G. ROBERTO is a Special Assistant to the Governor and is responsible for the coordination of all personnel matters, special projects as delegated by the Governor, and serves to coordinate policy implementation and liaison between the Office of the Governor and Departments of Labor, Corrections, Public Safety, and the Guam Gaming Commission. Mr. Roberto attended the University of Guam and completed an equivalent number of semester hours equal to two years of college work and completed various types of workshops and seminars, both local and abroad. Prior work experience was as a Police Sergeant and Lieutenant for the Department of Public Safety and employment in private industry.

LEGISLATIVE BRANCH



SPEAKER THOMAS V.C. TANAKA

LEGISLATIVE BRANCH

The Guam Legislature was the first branch of the Government of Guam whose membership reflected the choice of citizens in the territory. From the inception of civilian government on Guam in 1950 until the first popular vote for Governor in 1970, the Legislature was the sole body elected by residents.

Representative Character

The Guam Legislature is a unicameral body, unique to the United States in its territories, with the exception of Nebraska. The Legislature at present derives its authority and responsibility from the Organic Act of 1950 and its members number 21. While the Organic Act called for the election of its representatives on an at-large basis, related provisions allowed the Guam Legislature to provide for election of senators on a districting basis, which was accomplished for the first time in November, 1978.

Legislative Powers

The powers of the Guam Legislature are derived from the Organic Act of Guam, a federal statute which defined the relationship of the territory to the United States and for the first time permitted a civilian government to be formed. As with most legislative bodies, Guam is concerned with the enactment of laws. Its scope is considerably much broader than most states since

no other level of government exists except the territorial government. Legislation from the establishment of zoning areas to the imposition of taxes receives the consideration of the Legislature.

Legislative Sessions

The Legislature is in year-round session, a feature almost unique in the United States. The term for each Legislature is two years, commencing on the first Monday in January of every odd-numbered year.

Legislative Organization

The Legislature elects and appoints its officers and employees; adopts its own house rules and regulations and maintains its own records. The Speaker presides over the Legislature. Other officers also elected by the membership include a Vice-Speaker, Legislative Secretary, Recording Secretary, Sergeant-at-arms, and Chaplain. Other employees of the Legislature receive appointment, are approved by the Rules Committee and receive their compensation from annual appropriation. Much of the entire Legislature and their scope, authority, and composition are provided for in the Legislature's standing rules.

Office of the Territorial Auditor

The Territorial Auditor is appointed by the Legislature for a four-year term. The office is responsible for the conduct of

post-audits of transactions and the verification of financial statements by the different departments and agencies. The Territorial Auditor reports his findings and recommendations to the Legislature. Special audits, called for by resolution of the Rules Committee, are also performed by the Office of the Territorial Auditor.

Office of Suruhanu

This office was established by law in 1978. Patterned after similar laws in Hawaii, the Suruhanu (Ombudsman) is empowered to investigate any complaint arising from an illegal or inappropriate administrative act of a department or agency and make recommendations to rectify such wrongdoing, mistake or error. The Suruhanu is not empowered to investigate the acts of the court, the Legislature, the Governor or his staff, or any instrumentality of the Federal Government.



VICE-SPEAKER FRANK F. BLAS

SIXTEENTH GUAM LEGISLATURE ORGANIZATION

SPEAKER: Thomas V. C. Tanaka

VICE-SPEAKER: Frank F. Blas

LEGISLATIVE SECRETARY: Thomas C. Crisostomo

MAJORITY LEADER: Frank F. Blas

MINORITY LEADER: Joe T. San Agustin

ASSISTANT MINORITY LEADER: John F. Quan

MINORITY WHIP: Ramon Sudo

James H. Underwood - Committee on Economic Development

Thomas C. Crisostomo - Committee on Education

Kurt S. Moylan - Committee on Governmental Operations

Jess Q. Torres - Committee on Housing, Community Development
and Resources

Peter F. Perez, Jr. - Committee on Justice

Antonio R. Unpingco - Committee on Rules

Alberto C. Lamorena III - Committee on Ways & Means

Edward R. Duenas - Committee on Youth & Senior Citizens,
Federal-Territorial and Military and Veterans
Affairs

Frank F. Blas - Committee on Tourism, Transportation and
Communications

Carmen A. Kasperbauer - Committee on Health

MEMBERS OF THE SIXTEENTH GUAM LEGISLATURE

Frank F. Blas	Republican	District II
Madeleine Z. Bordallo	Democrat	District III
Edward T. Charfauros	Democrat	District IV
Thomas C. Crisostomo	Republican	District IV
Edward R. Duenas	Republican	District II
Carl T. C. Gutierrez	Democrat	District II
Carmen A. Kasperbauer	Republican	District I
Alberto C. Lamorena III	Republican	District I
Jose I. Leon Guerrero	Democrat	District I
Kurt S. Moylan	Republican	District II
Peter F. Perez, Jr.	Republican	District II
John F. Quan	Democrat	District IV
Franklin J. Quitugua	Democrat	District III
Joe T. San Agustin	Democrat	District I
Francisco R. Santos	Democrat	District III
Ramon Q. Sudo	Democrat	District III
Thomas V.C. Tanaka	Republican	District II
Jess Q. Torres	Republican	District IV
Lloyd L. Umagat	Democrat	District I
James H. Underwood	Republican	District II
Antonio R. Unpingco	Republican	District IV

BIOGRAPHICAL DATA ON ALL LEGISLATORS

FRANK FLORES BLAS is a Republican Senator from District II. He has served in the 13th, 14th and 15th Guam Legislature and within various committees. Presently, he is the Vice-Speaker of the 16th Guam Legislature and the Chairperson of the Committee on Commerce, Tourism and Transportation. In preceding terms, he served as Majority Leader and Acting Chairperson of the Committee on Education. He also served as a member of the Committee on Health, Welfare and Ecology, Public Utilities and Consumer Protection, Committee on Ways and Means and Vice-Chairman of the Rules Committee.

He attended the College of Guam for two years earning an Associate Degree. He obtained his B.A. in Business Administration from the University of Portland in 1965. Senator Blas resides in Barrigada with his wife and four children.

MADELEINE Z. BORDALLO, a former First Lady of Guam, is serving her first term in office. She is the first woman Democrat elected to public office. Presently, she is a member of various committees for the 16th Guam Legislature. Senator Bordallo's experience in government consists of 30 years involvement in community development. Civic organizations, such as the Guam Women's Club, Federation of Asian Women's Association, Beauty World Guam Ltd., and many others brought her prominence in pursuing programs for a progressive island development.

Senator Bordallo attended George Washington High School and graduated in 1951. She earned her associate degree from St. Katherine College in St. Paul, Minnesota in 1953. Senator Bordallo resides in Piti with her husband, former Governor Ricardo Bordallo and they have one daughter.

EDWARD TORRES CHARFAUROS is a Democrat from Districe IV. He served during the 13th, 14th and 15th Guam Legislatures as a member to various committees and is presently a member of several committees for the 16th Guam Legislature. Prior to government work, he was employed by the Civil Service Office as a Personnel Officer. Senator Charfauros received his B.A. degree from St. Thomas College and graduate work in Industrial Relations from the University of Minnesota. He is married and has four children.

THOMAS CEPEDA CRISOSTOMO is a Republican Senator from District IV. Presently, he is Chairman of the Committee on Education. He served in the 15th Guam Legislature as Chairman of Labor, Resources and Economic Development. Senator Crisostomo resides in Talofofo with his wife and three children.

EDWARD RAMIREZ DUENAS is a Republican Senator from District II. He is currently serving his fourth consecutive term in the Guam Legislature. Senator Duenas has been an advocate for the youth and the elderly since he was first elected to office in 1974. He is the Chairman of Youth and Senior Citizens Committees and the majority of his legislation has dealt with the needs and

problems of these two groups of citizens. Among his major accomplishments were the creation of the Department of Youth Affairs and the on-the-job training program for youths during the summer months. He is a graduate of Marquette University of Wisconsin. He is married and has one daughter.

CARL T.C. GUTIERREZ is a Democrat from District II. He served in the 12th, 13th and 14th Guam Legislatures and made remarkable achievements in formulating laws to create housing programs for the poor. Senator Gutierrez was also responsible for the creation of the Guam Youth Congress. Presently, he is serving on various committees for the 16th Guam Legislature. He resides with his wife and three children in Agana Heights.

CARMEN A. KASPERBAUER is a Republican Senator from District I. She served in the 15th Guam Legislature as Chairman of the Committee on Cultural Affairs and is presently Chairman of the Committee on Health for the 16th Guam Legislature. Prior to her government service position, Senator Kasperbauer worked as a school health counselor at two elementary schools on Guam. She holds a degree in Education and is a registered nurse.

ALBERTO C. LAMORENA III is a Republican Senator from District I. He is serving his second term in office as Chairman of the Ways and Means Committee. Senator Lamorena, an attorney, received his degree from Drake University in Des Moines, Iowa. He is a bachelor and resides in Dededo.

JOSE I. LEON GUERRERO is a Democrat from District I. He is serving his first term in the Legislature as a member of several committees. Senator Leon Guerrero served in the U.S. Army during the Vietnam Conflict and achieved the rank of Captain. Prior to his election to public office, he was practicing attorney on Guam. Senator Leon Guerrero resides with his wife and three children in Yigo.

KURT S. MOYLAN is a Republican Senator from District II. He is serving his second term as a Senator although not consecutively. His prior senatorial position was in the 8th Guam Legislature. He was elected to serve as Lt. Governor of Guam in 1970-74. Senator Moylan attended the University of Notre Dame and graduated in 1961 with a B.A. degree in Economics. He resides with his wife and four children in Barrigada.

PETER F. PEREZ, JR. Is a Republican Senator from District II. He is serving his second term in office as Chairman of the Committee on Criminal Justice. Senator Perez attended the University of Notre Dame and earned a degree in law. He has a Bachelor's degree in Communication and a Master's degree in Police Science Administration. He is married and has three children.

JOHN F. QUAN is a Democrat from District IV. He is serving his second term in the Legislature and is a member of various standing committees. Senator Quan served in the U.S. Army and upon returning to Guam taught Sociology at the University of Guam. He received his Master's degree in Sociology from Marquette

University in Wisconsin. He is married and has two children.

FRANKLIN J. QUITUGUA is a Democrat from District RII. He is serving his third term in the Legislature. His previous employment was in the field of education. At one time, he was a school principal, an assistant to the Director of Education, a deputy director of Education and in 1969 was appointed to the position of Director of Education. Senator Quitugua earned his B.S. and M.A. degrees in Education from the University of Northern Arizona and his Doctorate in Education from the University of Oregon. Senator Quitugua is married and has seven children.

JOSE T. SAN AGUSTIN is a Democrat from District I. He is presently serving his third term in the Guam Legislature. Previous work experience for Senator San Agustin includes Director of Administration, Director of Bureau of Management Research, and Chief of Budget and Management Research. He earned his B.A. and M.P.A. degrees from George Washington University in Washington, D.C. Senator San Agustin is married and has five children.

FRANCISCO R. SANTOS is a Democrat from District III. He has served as senator since the 11th Guam Legislature. During the 11th and 12th Guam Legislature, he was Chairman of the Committee on Education. He was assistant minority leader for the 15th Guam Legislature and is now a member of several standing committees. Senator Santos was a former U.S. Marshal; Commissioner of Sinajana Village; and Director of Alcoholic Beverage Control

Board. Senator Santos is a graduate of George Washington High School and received training in law enforcement from the U.S. Department of Justice in Washington, D.C. He is married and has five children.

RAMON Q. SUDO is a Democrat from District III. This is his second term in the Guam Legislature and is currently a member of several standing committees. Senator Sudo's previous experience was in the banking industry. He also served in the U.S. Army and achieved the rank of Captain. Senator Sudo attended the University of Guam and earned a Bachelor's degree in Accounting and Management. He is married and has three children.

THOMAS V.C. TANAKA is a Republican Senator from District II. This is his fourth term in the Guam Legislature. He has served as Chairman of the Committee on Finance and Taxation during the 13th and 14th Guam Legislatures and as Speaker for the 15th and 16th Guam Legislatures. Previous government experiences for Senator Tanaka was as staff analyst for the Bureau of Budget and Management Research and was deputy director of the Department of Public Works and the Community Action Agency. Speaker Tanaka graduated from Cardinal Farley Military Academy in New York. He later attended Marquette University before returning to Guam to graduate from the University of Guam with a B.A. in Management. He is married and has six children.

JESS Q. TORRES is a Republican Senator from District IV. This is his first term in office. He is the Chairman on Housing,

Community Development and Resources for the 16th Guam Legislature. During the 15th Guam Legislature, he served as Executive Director. Senator Torres has held several key administrative positions in the Government of Guam such as Personnel and Management Analyst, Budget and Methods Examiner, Deputy Director of the Department of Land Management, and was a Special Assistant to the Governor for Administrative Affairs during Governor Camacho's administration. He obtained his education from the University of Guam and the University of Nebraska. He is a bachelor and resides in Agat.

JAMES H. UNDERWOOD II is a Republican Senator from District II. He is currently serving his fourth term in office. He served as Chairman of the Committee on Commerce, Tourism and Transportation in the 13th Guam Legislature and as Chairman of the Committee on Public Utilities and Consumer Protection in the 14th and 15th Legislatures. He also served as Legislative Secretary in the 15th Guam Legislature. Senator Underwood graduated from Father Duenas Memorial High School and attended the University of Guam where he received his B.A. degree in Business Administration. Senator Underwood is a bachelor and resides in Agana.

LLOYD L. UMAGAT is a Democrat and is serving his first term in office. His previous work experience for the Government of Guam was as Program Counselor and Project Director for the Office of Economic Opportunity Commission. In 1970, he transferred to the Department of Labor and worked as Administrator,

Deputy Director and Director. Senator Umagat was born and educated in the Philippines and received his B.A. degree in Accounting and Commerce. Senator Umagat is married and has eight children.

ANTONIO R. UNPINGCO is a Republican Senator from District IV. This is his third term in the Guam Legislature. During the 14th Guam Legislature, Senator Unpingco was Chairman of the Committee on Governmental Operations, Military and Veteran Affairs. He was Chairman of the Committee on Rules during the 15th and 16th Guam Legislatures. Prior to his elected position of Senator, he was Chief of the Planning and Research Bureau in the 13th Guam Legislature and was Executive Director for the Republican Party of Guam for one year. He also served as Deputy Director of the Department of Administration. Senator Unpingco obtained his education from the University of Portland and Portland State University in Accounting and Economics in 1969. He is married and has seven children.

BIOGRAPHICAL DATA OF EXECUTIVE DIRECTOR

JOE T. NEDEDOG is Executive Director of the 16th Guam Legislature. The Office of Executive Director is the next highest position in the Guam Legislature aside from the Senators. Previously, Mr. Nededog served as Chief of Community Affairs in the 15th Guam Legislature. Presently, he is a member of the Territorial Planning Commission, Central Planning Commission and the Seashore Protection Agency. Mr. Nededog was a former

Executive Director for the Economic Opportunity Commission.
He also served as a Senator during the 14th Guam Legislature.

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9

JUDICIAL BRANCH

THE JUDICIAL BRANCH

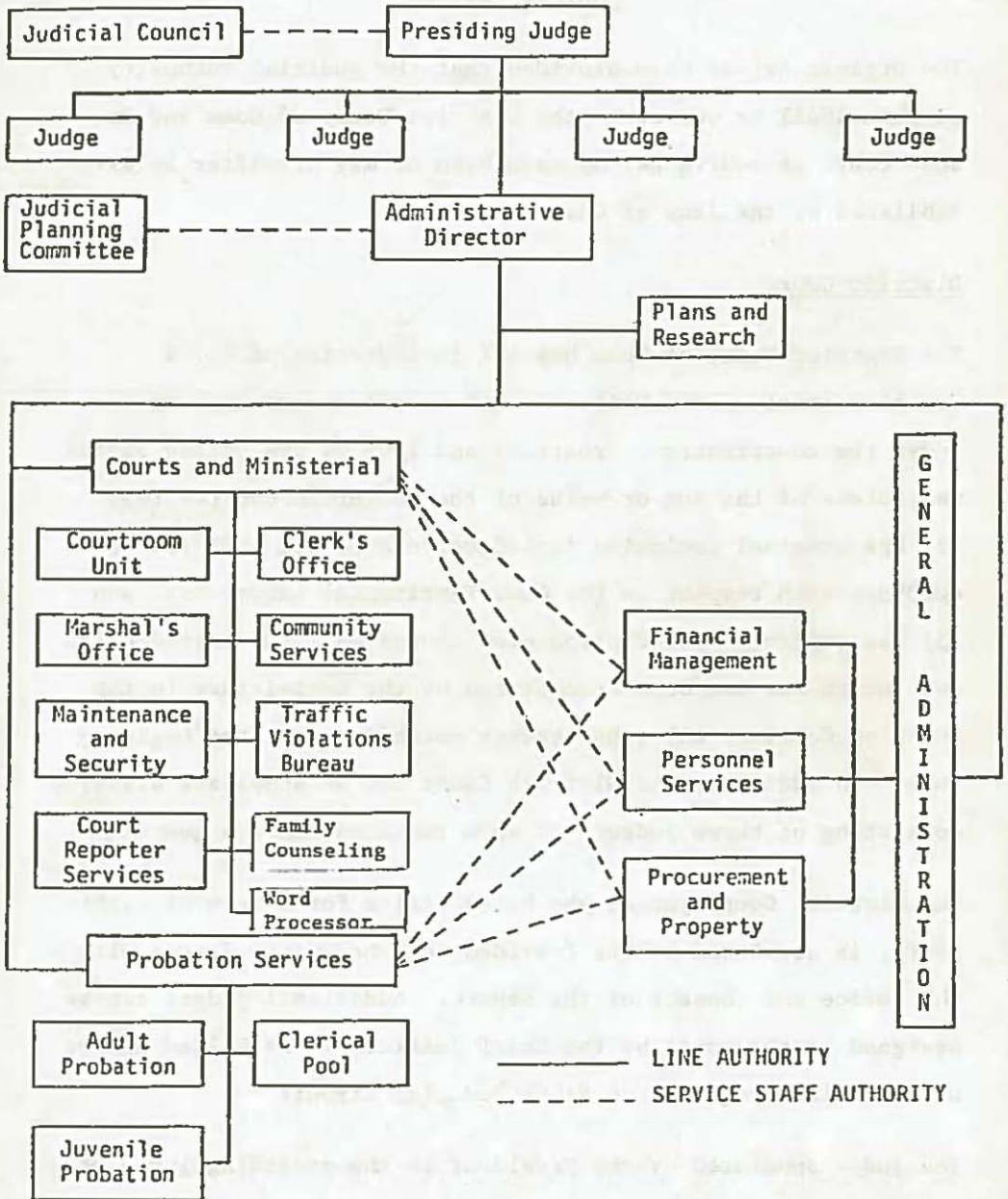
THE JUDICIAL BRANCH



HONORABLE PAUL J. ABBATE

PRESIDING JUDGE

JUDICIAL BRANCH



JUDICIAL BRANCH

The Organic Act of Guam provides that the judicial authority of Guam shall be vested in the District Court of Guam and in such court or courts as may have been or may hereafter be established by the laws of Guam.

District Court

The District Court of Guam has the jurisdiction of (1) a district court of the United States in all causes arising under the constitution, treaties, and laws of the United States regardless of the sum or value of the matter in controversy; (2) has original exclusive jurisdiction over all judicial proceedings with respect to the Guam Territorial income tax; and (3) has original jurisdiction over causes on Guam, jurisdiction over which has not been transferred by the Legislature to the Superior Court or any other courts established by the Legislature. In addition, the District Court has an appellate division consisting of three judges, of whom two constitute a quorum.

The District Court judge, who holds office for a term of eight years, is appointed by the President of the United States with the advice and consent of the Senate. Additional judges can be assigned to the court by the Chief Justice of the United States or the Chief Judge of the Ninth Judicial Circuit.

The judge appointed by the President is the presiding judge of

the appellate division. The presiding judge designates the other judges who are to sit in the appellate division from among the judges assigned to the court.

Superior Court

The Superior Court is Guam's court of general jurisdiction. It has original jurisdiction over all cases arising under the laws of Guam. The court presently has a separate Civil Court, Criminal Court, and Traffic Court. The Judicial Council can, by rules of Court, create other such divisions of the Superior Court if and when it deems them desirable.

The Superior Court judges are appointed by the Governor, with the advice and consent of the Legislature, for a term of eight years. Thereafter, the judges are required to file their candidacy for election, and the general electorate decides whether to retain such judge for another eight-year term.

The Judicial Council

The Judicial Council periodically surveys the condition of business in the several courts of the territory with a view to simplifying and improving the administration of justice.

It has the power to prescribe the forms of process and the practice and procedure of the Courts of Guam in both civil and criminal actions. It also has the power to prescribe the practice and procedure in proceedings for judicial review or enforce-

ment of orders of administrative agencies, boards, commissions and officers. Additionally, the Judicial Council has the duty of recommending candidates for judicial office to the Governor and the duty to report to the Governor and the Legislature with such recommendations as it may deem proper.

The Judicial Council is composed of the Presiding Judge of the Superior Court, the Chairman of the Committee on the Judiciary of the Legislature, the Attorney General of Guam, and the President of the Guam Bar Association.

Statutory Basis: 48 U.S.C. Section 1424; Public Law 13-51

BIOGRAPHICAL DATA OF THE JUDICIAL BRANCH

The Hon. Paul J. Abbate, Presiding Judge

Born in New York, March 28, 1919; graduated from New Utrecht High School, Brooklyn, in 1937. Graduate of St. John's University and St. John's Law School; Bachelor of Laws, 1949; Master of Laws, 1953. Appointed Attorney General of Guam in 1968; appointed Judge of the Island Court of Guam in April 1969; appointed Judge of the Superior Court on July 1, 1974. Presiding Judge from 1974 to present.

The Hon. Janet H. Weeks

Born in Quincy, Mass. Graduate of Emmanuel College, Boston, and Boston College Law School. LLB in 1958. Came to Guam in 1973 as a partner in the law firm of Trapp, Gayle, Teker, Weeks and Friedman. Appointed to the Superior Court in May 1975.

The Hon. John P. Raker

Born in 1914, a native of Pennsylvania. Graduate of Muhlenberg College, Allentown, Pa.; graduate of George Washington University Law School. Admitted to the Pennsylvania State Bar in 1940.

The Hon. Joaquin V.E. Manibusan

A native of Guam, son of Judge Jose Manibusan who was on the

Island bench before and after World War II. Joaquin Manibusan was a Clerk in the Island Court before being appointed a Judge in the same court, and eventually to the Superior Court.

The Hon. Ramon V. Diaz

Born in the Philippines in 1919, a graduate of the Santo Tomas University Law School. Admitted to the Bar in the Philippines in 1941 and appointed Judge in the Superior Court in September 1980.

Robert E. Leon Guerrero, Administrative Director

A native of Guam. Graduate of Regis College, Denver (BS) in 1958; graduate of Portland State College (MSW), School of Social Work, in 1964. Career includes employment as a social worker, public health administrator, Deputy Director with the Department of Corrections, and Deputy Director of Juvenile Justice Division for the Island Court of Guam.

Manuel L.G. Perez, Clerk of the Court

Born in Guam in 1941, a graduate of Father Duenas High School. Has served as a chamber clerk, processing clerk, and Chief Deputy Clerk of the Superior Court of Guam before assuming his present position.

Perry C. Taitano, Deputy Administrative Director

Born in Guam in 1946, a graduate of J.F. Kennedy High School;

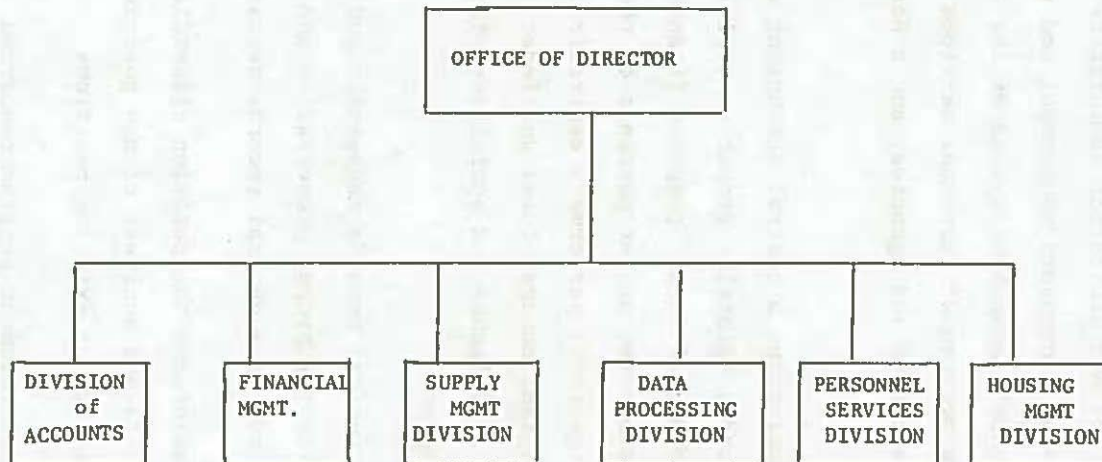
California State University at Northridge (BBS, BM); University of Guam (MBA). Served as a Court Sepcialist and Acting Director for the Territorial Crime Commission, and as Court Planner for the Superior Court before assuming present position.

Eufoldo M. Sueprales, Chief Security/Maintenance Division

Appointed to present duties in May of 1979. Has extensive police training, including studies in Police Science at the University of Guam.

EXECUTIVE DEPARTMENTS

DEPARTMENT OF ADMINISTRATION



DEPARTMENT OF ADMINISTRATION

The Department of Administration administers a centralized accounting system; inventory management and procurement programs, a personnel management system of the Government of Guam by providing a program of personnel services to the various executive departments and agencies, and a Housing Management Program.

Develops and maintains a central accounting system for local and federal funds; maintains proper control accounts of revenues and departmental funds; prepares financial statements; provides and processes proper payments of the government's financial obligations; performs a centralized procurement purchasing program; manages local and federal surplus property programs; and establishes and administers local inventory management programs.

Administers a central records management and storage program and provides for the proper preservation and retention of permanent records in a central records depository.

Develops and maintains the position classification system by conducting audits and analyses of new positions and reported changes in the work of existing positions.

Administers a recruitment program concerned with obtaining sufficient numbers of qualified persons to fill classified

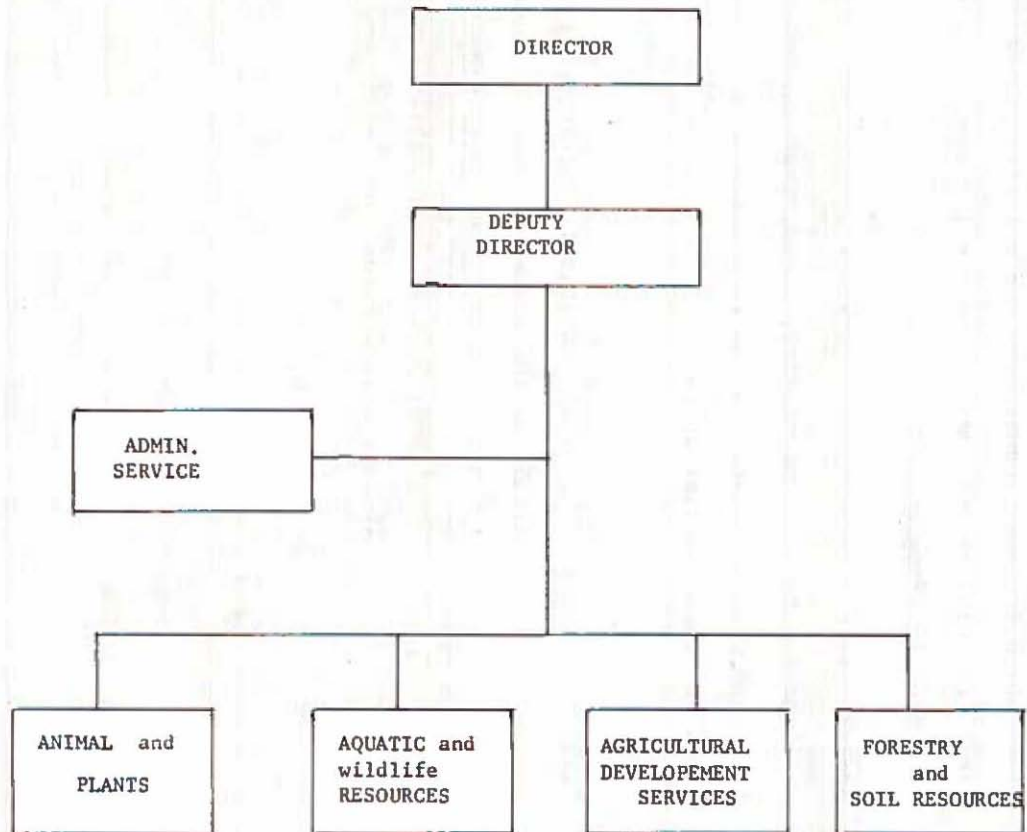
positions; administers an examination.

Develops and administers training and employee development programs which includes identifying and prioritizing of training needs; coordinates and administers the Intergovernmental Personnel Act Program.

Administers a program to provide temporary housing to senior citizens and to victims of fire, flood, typhoon, or any disaster; maintains ground maintenance and facilities on all government-owned or leased housing units.

Statutory Basis: Title VIII, Chapter I, Sections 54150 to 54159 of the Government Code of Guam, Chapters 1,2,3,4,5,6,7,8, and 9, Title VII of the Government Code of Guam; Public Laws 11-219, 10-103, 8-136, 9-190, and 7-105.

DEPARTMENT OF AGRICULTURE



DEPARTMENT OF AGRICULTURE

Under the general direction of the Governor, this department carries out programs to conserve, develop and maintain the agricultural sector of the island's economy. It enforces rules and regulations to further and control the management of these resources.

Provides farmers with equipment services for clearing and soil preparation of farmlands; provides technical advice and assistance as well as demonstration projects for the improvement of existing and new agricultural products.

Protects endangered resident and wildlife species and their habitats through active propagation and other management measures; educates the public in the principles of conservation of natural resources.

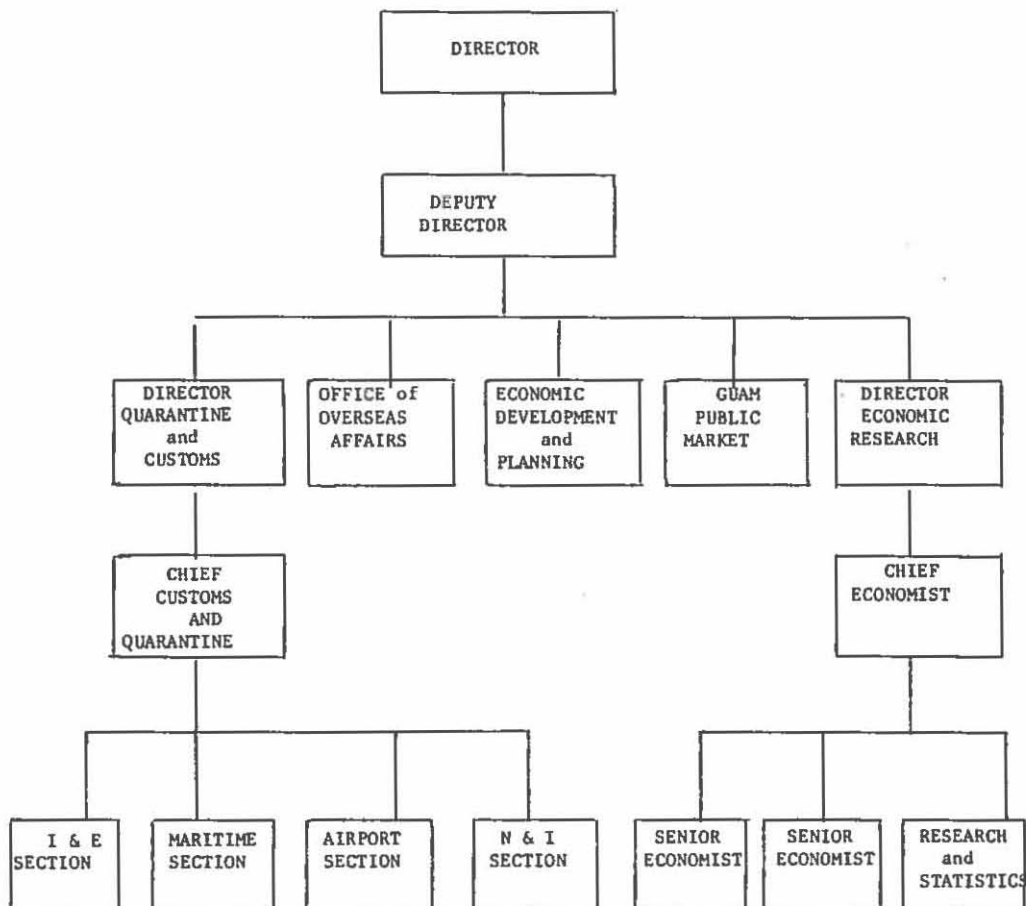
Administers an animal quarantine program including measures designed to prevent, detect, control, and eradicate diseases, particularly those communicable to man; prevents the re-introduction of rabies into the island by placing all incoming dogs and cats in quarantine for a period of 120 days; maintains the health of all domestic food-producing animals in order to increase productivity and to prevent the introduction of foreign animal diseases that could produce economic disaster; introduces beneficial organisms for the biological control of agricultural pests and control.

Provides tree seeds and planting stock for forest and wind-barrier plantings to stimulate forestation to private landowners on Guam; develops, manages, and utilizes its forest resources to enhance the economy and environment; establishes an effective fire suppression program for the protection of wildlife species and wildlands habitats; provides seedlings of various tree species to community organizations and government for the improvement of the environment; propagates varieties of vegetable and fruit trees seedlings to farmers for the development and expansion of the production of fresh produce.

Provides good quality livestock for breeding purposes to increase the different livestock on Guam; provides quality goats and boars to be sold or loaned to farmers to upgrade the livestock.

Statutory Basis: Title XIII, Chapter I, Article II, Chapter 3, Article II; Section 12228, P.L. 9-117; 9-121; and 11-119; Chapter IV, Sections 12001, 12200, 12302; 12307; Clark-McNary Act Article V, Section 2; P.L. 11-25, Sections 12203, 12205, 12225; P.L. 10-83, Sections 12007, 12026, 12028, 12100, 12101, 12105, 12107, 12200, 12201, 12202; P.L. 12-227.

DEPARTMENT OF COMMERCE



DEPARTMENT OF COMMERCE

Under the general direction of the Governor of Guam, the duties of this department include encouraging the development and expansion of markets for the island's products; promoting the location and development of new businesses to Guam; compiling scientific indices reflecting business conditions on Guam; investigating conditions affecting island business, industry, and commerce so as to improve our island's economy.

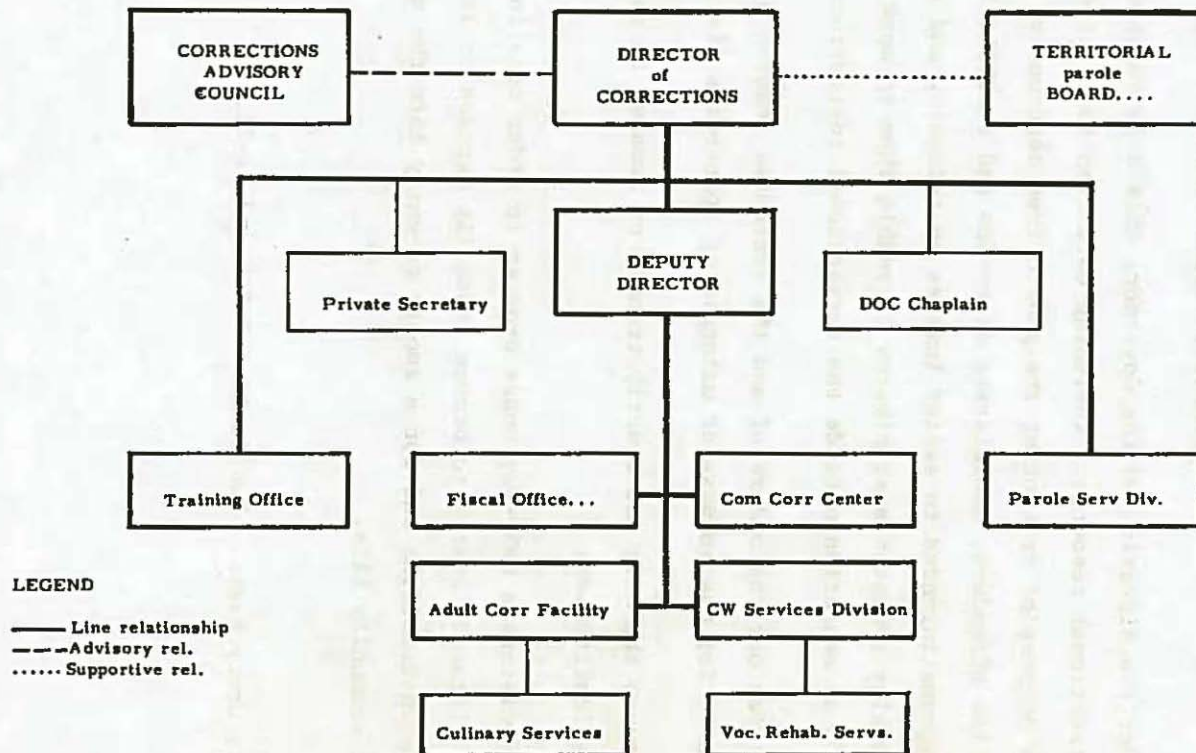
The department is responsible for fostering conditions which stimulate and support the development of Guam's private sector through the judicious use of federal funds available to Guam under the U.S. Economic Development Act of 1965.

Through the operations of the Public Market, the department is responsible for facilitating the development of a marketing network for locally grown produce and to stimulate the further development of Guam's agricultural sector.

The department is responsible for protecting our island's farms, gardens, and forests from the introduction of injurious plant pests, plant and animal diseases and to reduce or minimize illicit trafficking of narcotics and dangerous drugs.

Statutory Basis: Title XLIV, Chapters I and II of the Government Code of Guam.

GUAM DEPARTMENT of CORRECTIONS



DEPARTMENT OF CORRECTIONS

Under the direction of the Governor, this department manages correctional resources, including detention institutions, for the purpose of protecting the public from destructive actions of law offenders; administers detention and rehabilitation programs intended to assist inmates in reforming and developing socially acceptable attributes to enable them to work and obtain an education outside the correctional insitutions.

Carries out the orders of and the sentences imposed by the courts for the purpose of maintaining corrective discipline.

Assures the safe and orderly transit of inmates to and from the institutions.

Administers a half-way house program in order to allow rehabilitated inmates to become gradually exposed to life outside the institutions and for a smooth re-entry into the mainstream of community life.

Statutory Basis: Public Laws 9-208 and 11-71.

DEPARTMENT OF EDUCATION

OFFICE OF THE GOVERNOR

BOARD OF EDUCATION

OFFICE OF THE DIRECTOR

LEGAL COUNSEL

FEDERAL PROGRAMS ADMINISTRATION

BUSINESS OFFICE
ASST. DIRECTOR, FINANCIAL

PROCUREMENT & WAREHOUSE

ACCOUNTING SECTION

PAYROLL SECTION

BUDGET SECTION

FOOD SECTION

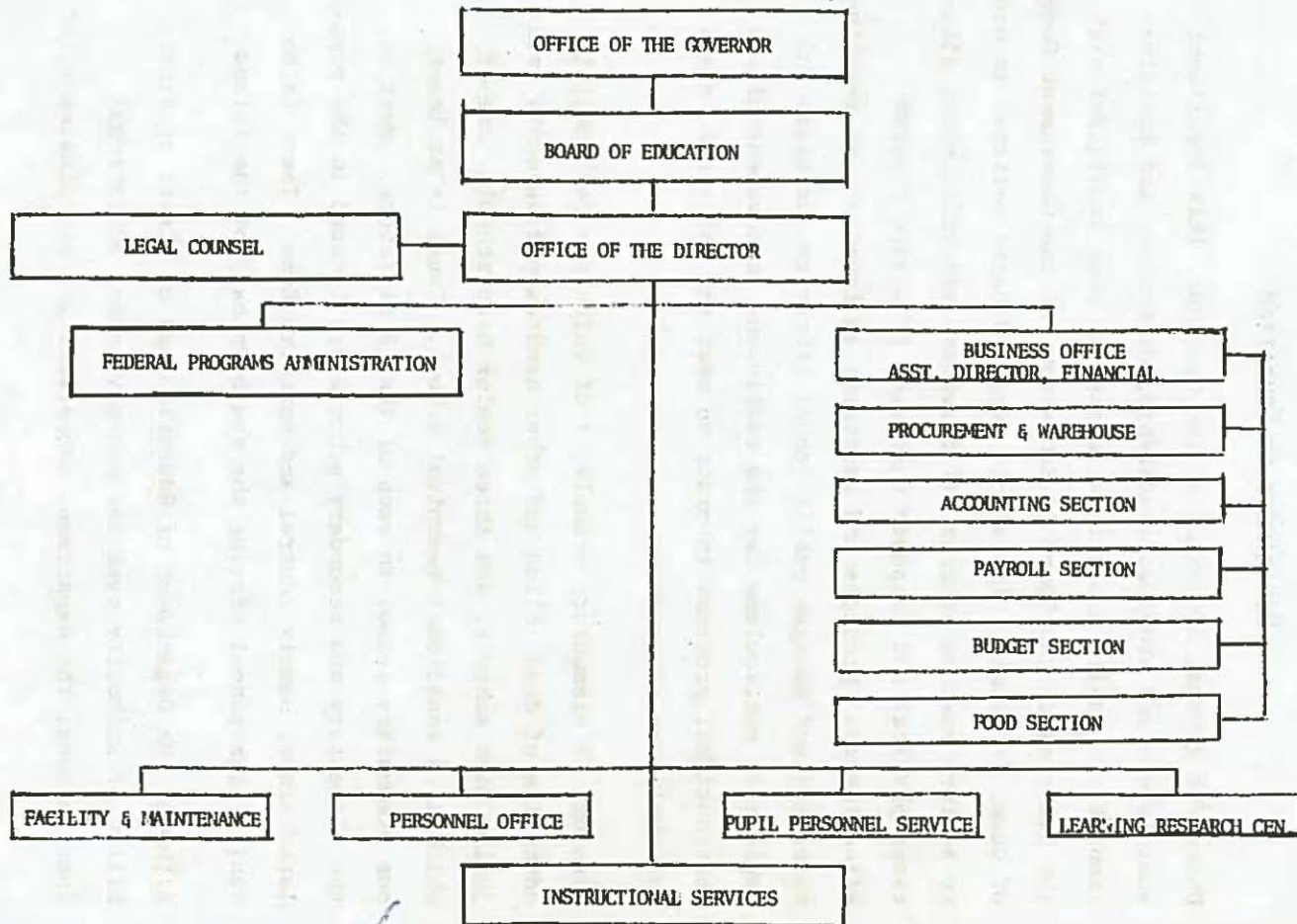
FACILITY & MAINTENANCE

PERSONNEL OFFICE

PUPIL PERSONNEL SERVICE

LEARNING RESEARCH CEN.

INSTRUCTIONAL SERVICES



DEPARTMENT OF EDUCATION

Under the general direction of the Governor, this department administers and provides leadership, direction, and coordination of the public educational system on Guam consistent with the policies of the Board of Education and the Government Code of Guam; formulates, implements, and evaluates policies in order to achieve maximum program effectiveness and efficiency; allocates physical and manpower resources to assure program effectiveness; provides and maintains an inventory of teaching materials and manages public school libraries; develops and implements curriculums for the continuous improvement of the instructional programs in order to meet the interests, needs, and abilities of students.

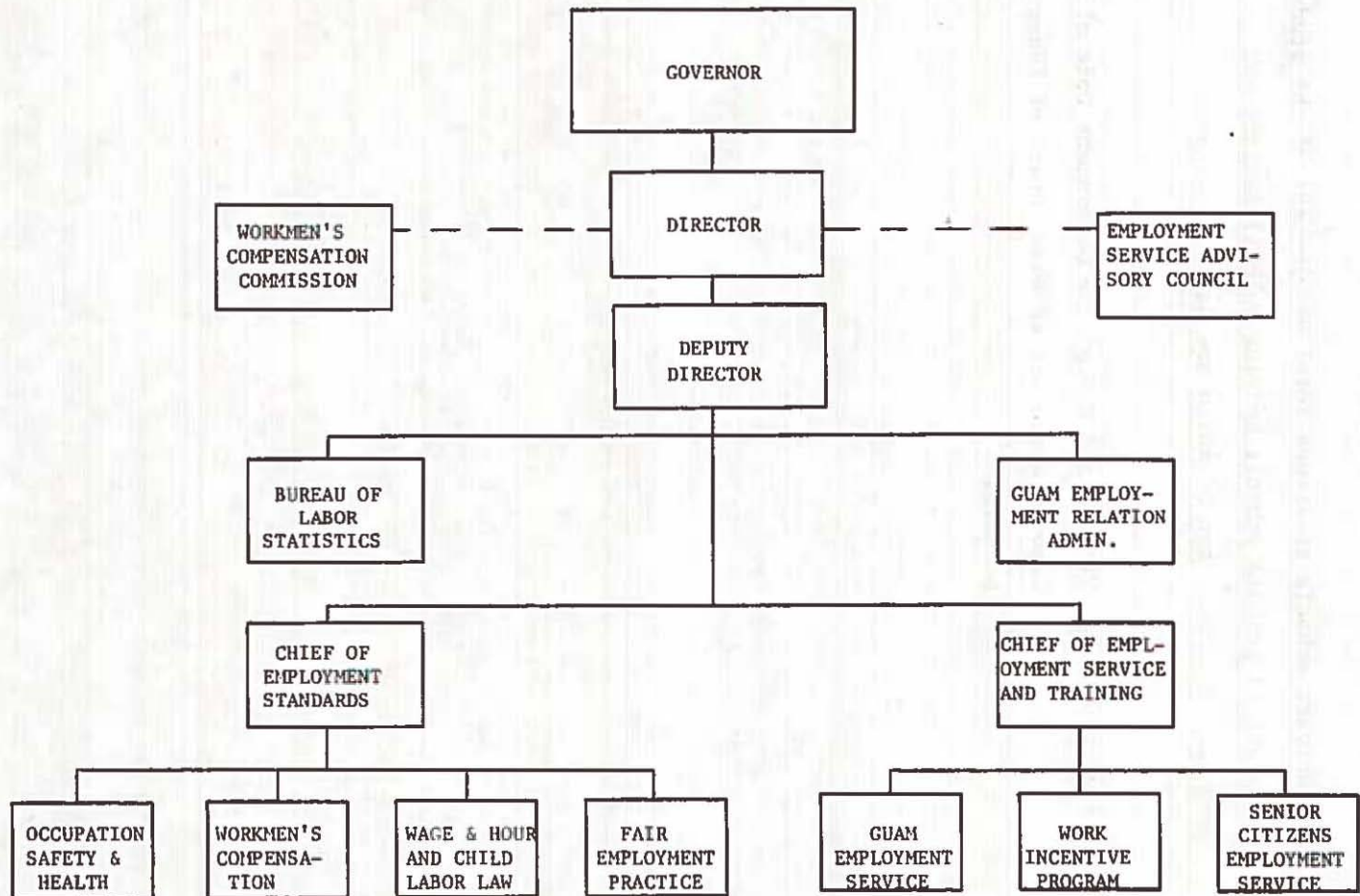
Guam has 29 elementary schools, 2 of which are for special education of deaf, blind and other handicapped students, six junior high schools, and three senior high schools, one of which is a vocational-technical school. There is at least one elementary school in each of the 19 districts. Most of the elementary and secondary schools are located in the populated areas, namely central and northern Guam. There is no senior high school serving the southern half of the island.

Although the Department of Education has no direct responsibility or authority over the non-government educational institutions, the department cooperates and coordinates with

the private schools to assure total development of the students. There are 13 private schools serving both elementary and secondary students, ten of which are Catholic schools.

Statutory Basis: Title V and XII of the Government Code of Guam; Organic Act of Guam, Board of Education policies.

DEPARTMENT OF LABOR



DEPARTMENT OF LABOR

Under the general direction of the Governor, this agency is charged with regulatory and enforcement responsibilities to promote, develop, protect, and improve the welfare of the wage earners within the territory.

Administers labor programs to facilitate the appropriate placement of job applicants; provides employment counseling, guidance, and supportive services to job-seekers.

Enforces labor laws and regulations to assure employees fair and equitable treatment on wage matters; insures just compensation for work connected injuries or illnesses, and loss of wage income due to such injuries or illnesses.

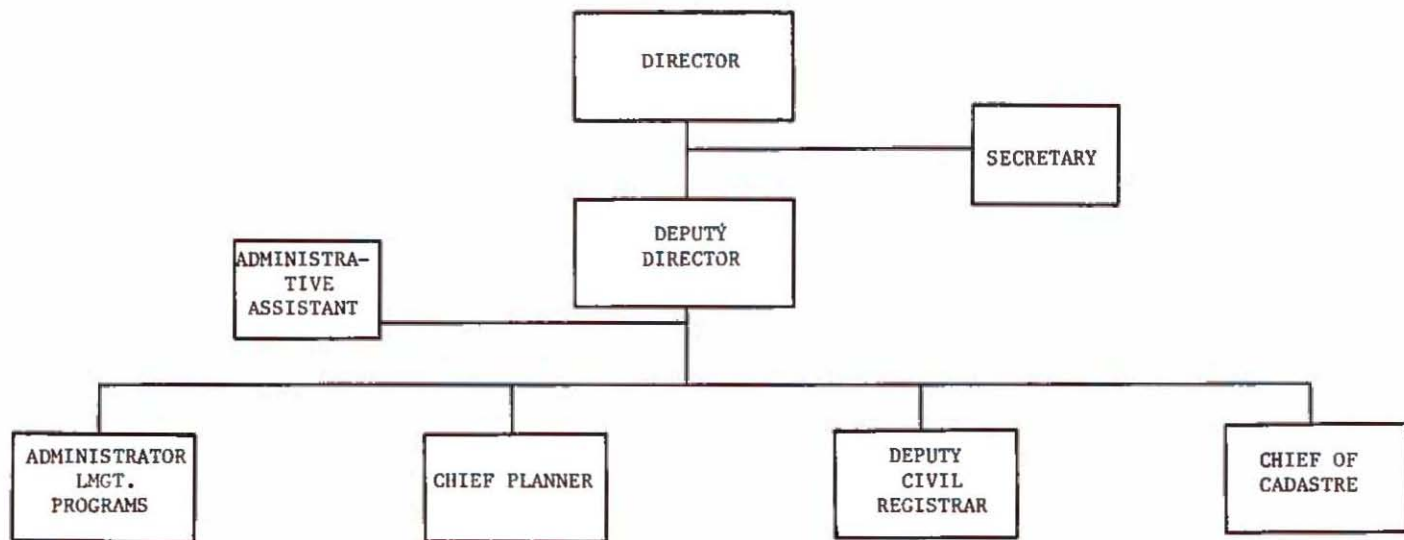
Conducts inspections and investigations of work conditions in the industrial/construction/business environment.

Provides support services in the planning and development of labor programs by collecting, compiling, analyzing, and publishing economic and statistical information.

Administers employment programs to provide intense counseling and follow-up services to special target groups such as the economically disadvantaged older persons and other persons receiving public assistance from welfare programs.

Statutory Basis: Chapter 1 of Title XVVII of the Government Code of Guam.

DEPARTMENT OF LAND MANAGEMENT



DEPARTMENT OF LAND MANAGEMENT

This department is the custodian of the territory's public lands. As such, it is responsible for assuring the use of public lands by both private and public entities in an efficient and productive manner in consonance with the government's land-use regulations and resources development policy. The department annually inventories all public lands with continual update to reflect changing conditions and needs; periodically reviews current public land and property uses and recommends alternatives; determines the various demands for public lands; subject to legislative approval, reviews and analyzes specific public land disposition proposals.

The department is responsible for the acquisition of private and federal lands for public use in a uniform and equitable manner through outright purchase of property or easement rights or land exchange to meet the needs of the general public and line and autonomous agencies of the Government of Guam.

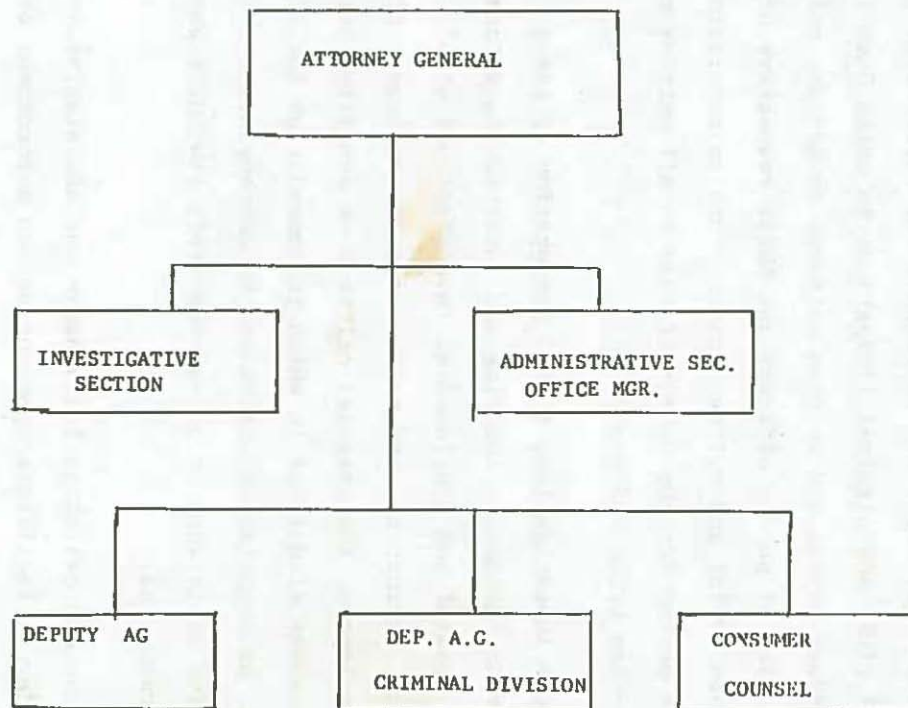
The department ensures the government's real property interest by surveying, mapping, and registering all public lands which have no certificate of title issued in the government's name; reviews and approves all maps utilized as evidence in all land registration petitions; establishes and maintains a geodetic triangulation network system to insure the accuracy of and to provide checks of both private and government surveys.

The department maintains records of all instruments or judgments affecting the title or possession of real property on Guam including tax liens, mortgages, gifts, leases or court judgements through a Grantor-Grantee index and a numerical index. The department issues certificate of title on registered land and prepares abstracts of titles for private and public land registration cases as requested by the Court.

The department provides staff support to the Territorial Seashore Protection Commission and the Territorial Planning Commission. These quasi-judicial bodies are responsible for encouraging the appropriate use of land to ensure the protection of our natural, scenic and historical resources along our seashores and the promotion and protection of the public health, safety, and the general welfare of the people of Guam.

Statutory Basis: Title XIV, Chapter 1, Sections 13000-13977 of the Government Code of Guam; Part IV, Title IV, Chapter IV, Sections 1157-1218.12 of the Civil Code of Guam.

OFFICE OF ATTORNEY GENERAL



DEPARTMENT OF LAW

Under the general direction of the Governor, this department provided legal services, represents the territorial governments in all civil and criminal litigations in which Guam is a party of; issues verbal and written opinions on matters relating to the duties of public officers and their respective offices; provides verbal and written instructions to commissioners or others acting for the Courts of Guam on all matters relating to service writs and processes.

Conducts investigations in the preparation of cases by collecting supporting evidence, locating and interviewing witnesses; conducts special and confidential investigations of alleged misconduct, corruption, and malfeasance of government officials and employees; investigates critical or sensitive personnel and enforcement situations in which recommendation for administrative, legal, or legislative action may be contemplated; renders investigative assistance to out-of-territory law enforcement agencies when requested.

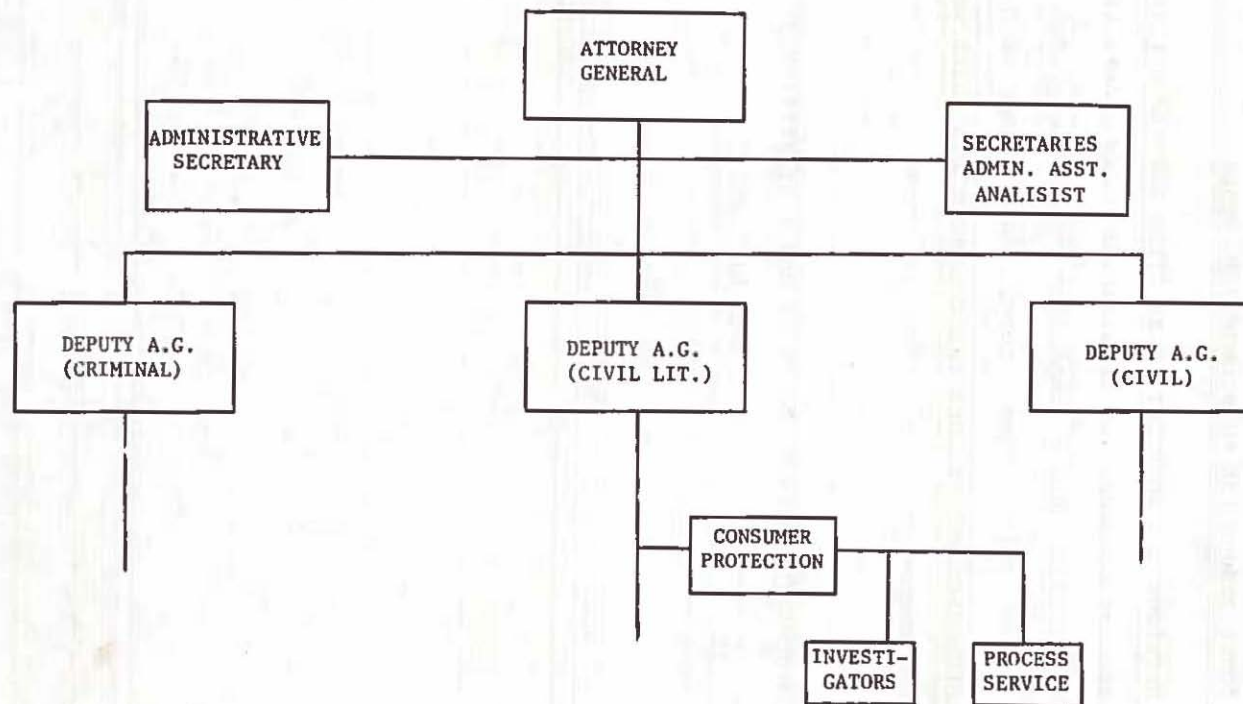
Proposes and evaluates legislative and administrative measures in order to facilitate prosecution and enforcement effectiveness and efficiency; develops and implements investigative and enforcement procedures aimed at intensifying diligence in the prosecution of violators against the territory's penal code; coordinates with the proper entities in obtaining information

concerning the whereabouts of absent persons and in securing court orders for enforcement purposes.

Develops and administers a public awareness program to inform as many consumers as possible of their rights as consumers; responds to public complaints on consumer-related matters; reviews and provides comments and testimonies on various bills presented before legislative committees which would affect consumers.

Statutory Basis: Chapter 1 and 2 of Title VIII of the Government Code of Guam.

CONSUMER COUNSEL



CONSUMER COUNSEL

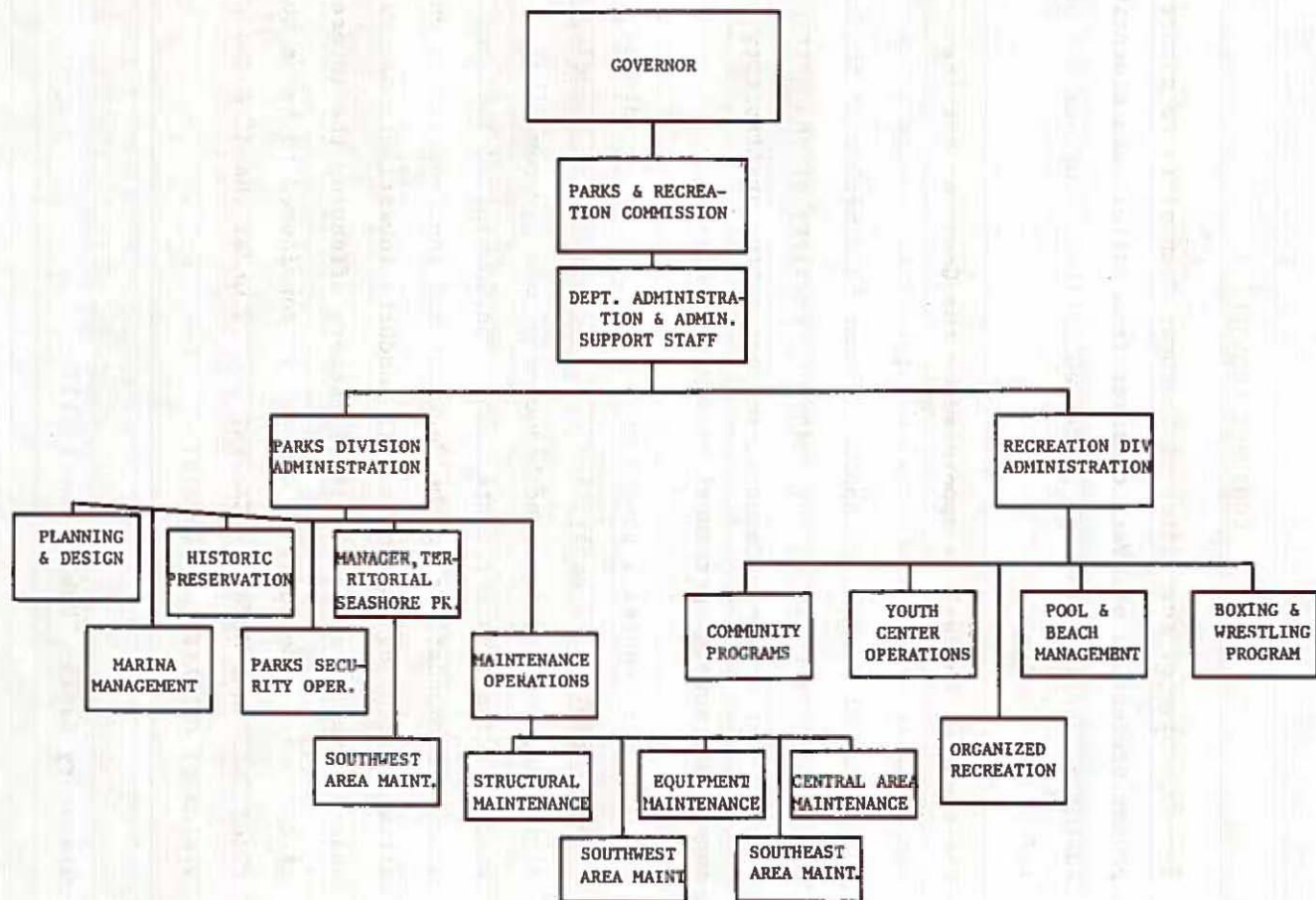
The objective of the office of Consumer Counsel is to ensure proper protection of every consumer from illicit and deceptive business practices through formal educational programs and other information media.

The Consumer Counsel is appointed by the Governor but the appointee must be a member of the classified service of the government of Guam. The appointee must be a member of the bar of the highest court of any state or territory of the United States. The Consumer Counsel, subject to the availability of funds, may appoint personnel as may be necessary.

The Consumer Counsel's powers and duties are to coordinate the consumer protection activities of all departments, agencies, divisions, commissions, and branches of the government of Guam which involve consumer protection. The Counsel advises and makes recommendations to the Governor and the Legislature on matters affecting consumers. It conducts investigations, research, studies and analysis of matters affecting the interest of consumer. The Consumer Counsel is considered to be an authorized Assistant Attorney General and is under the direct supervision of the Attorney General.

Statutory Basis: Public Law 13-117.

DEPARTMENT OF PARKS AND RECREATION



DEPARTMENT OF PARKS & RECREATION

Under the direction of the Governor of the territory of Guam, this department provides for the promotion, administration, supervision, and coordination of recreational programs such as organized leagues, special events, public swimming pools, and youth and senior citizen activities; provides for the administration, and planning and development of parks, marinas, historical sites, scenic lookout points and other recreational sites.

Provides sufficient organized recreation activities and other outdoor opportunities; maintains the grounds surrounding public buildings and parks in proper and safe condition; provides opportunities and facilities for recreational activities such as acquisition and exercise of artistic skills and crafts, participation in organized and informed sports; provides opportunities and facilities for the development of sports, skills and for participation in sports in other outdoor recreation activities; preserves, protects and makes accessible for appreciation and study, places of historical significance and other unique natural features of the island.

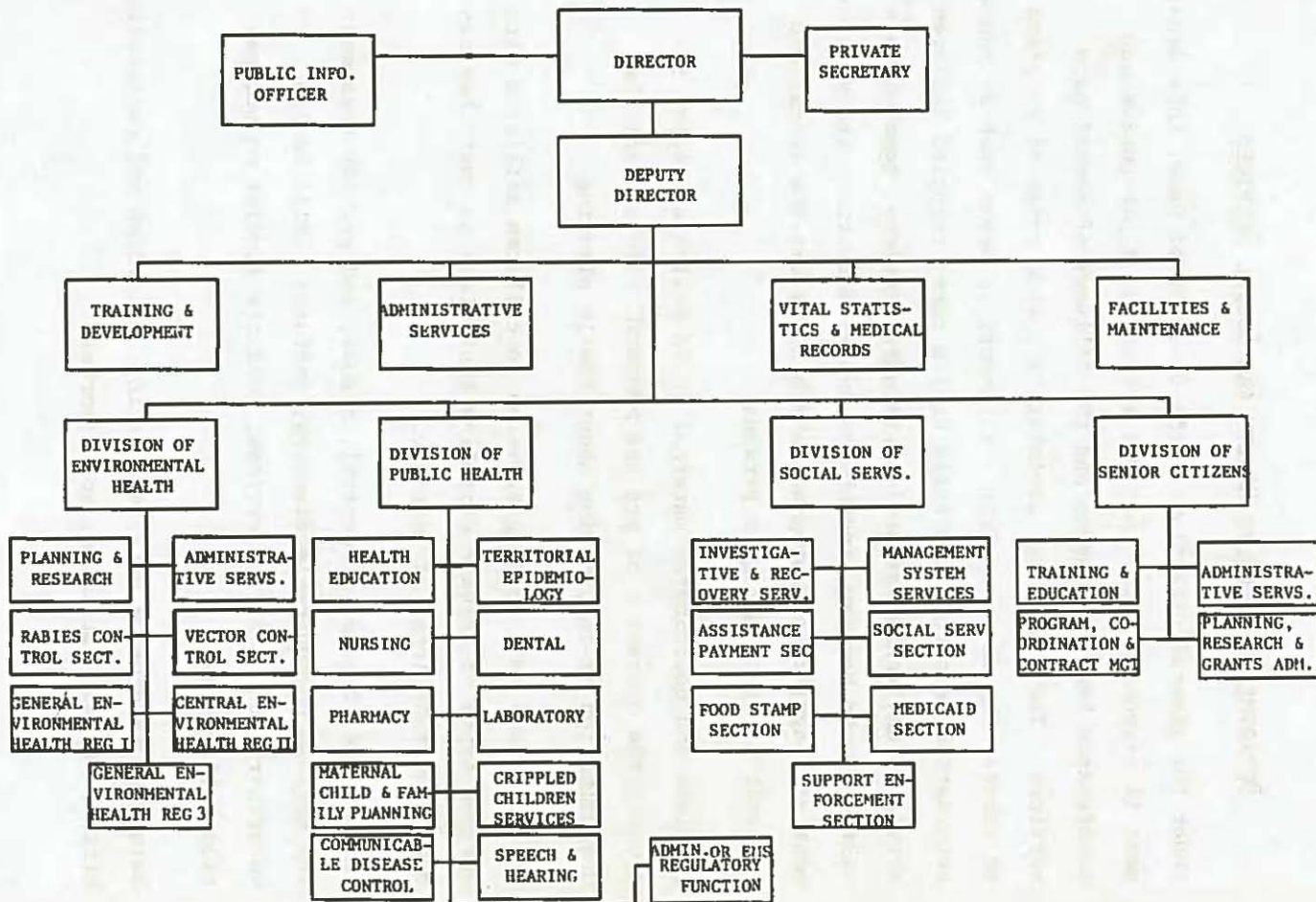
There is, within the Department of Parks and Recreation, the Guam Boxing and Wrestling Commisison which provides assistance to organizations or individuals engaging in the promotion and control of amateur boxing and wrestling. The Commission

supervises and regulates all boxing and wrestling exhibitions which are conducted for prizes or where an admission fee is assessed.

The department is also given the responsibility to administer the Heritage Preservation Program. It makes plans to acquire, restore and preserve historic areas, building and sites significant to Guam. Establishes and maintains the Guam register of historic places and regulations on the uses of such areas.

Statutory Basis: Public Law 12-209, Public Law 12-126
(administer the Historic Preservation) and
Public Law 33-80 (Boxing and Wrestling
Commission).

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

Under the general direction of the Governor of Guam, this department is responsible for the administration of preventive and maintenance health programs and the delivery of social care services. The department administers a wide range of programs to address the needs of Guam's citizenry in areas such as mental retardation, maternal and child health care, crippled children services, environmental health consumer services, communicable diseases, and hearing, speech and dental services. The department also administers programs which addresses the social and economic needs of indigent persons.

Provides and coordinates maternal child health services, including the operation of pre and postnatal clinics, and the dissemination of information about family planning.

Provides home care nursing services to children afflicted with various types of chronic crippling conditions so that they can become as functional as possible.

Administers programs to control, reduce, and provide treatment for certain communicable diseases; performs public health veterinary consultation services; conducts studies on occupational illnesses.

Maintains records on vital statistics, recording and registering births, deaths, marriages, and divorces.

Coordinates with other health service programs to improve emergency health mobilization services and medical care facilities.

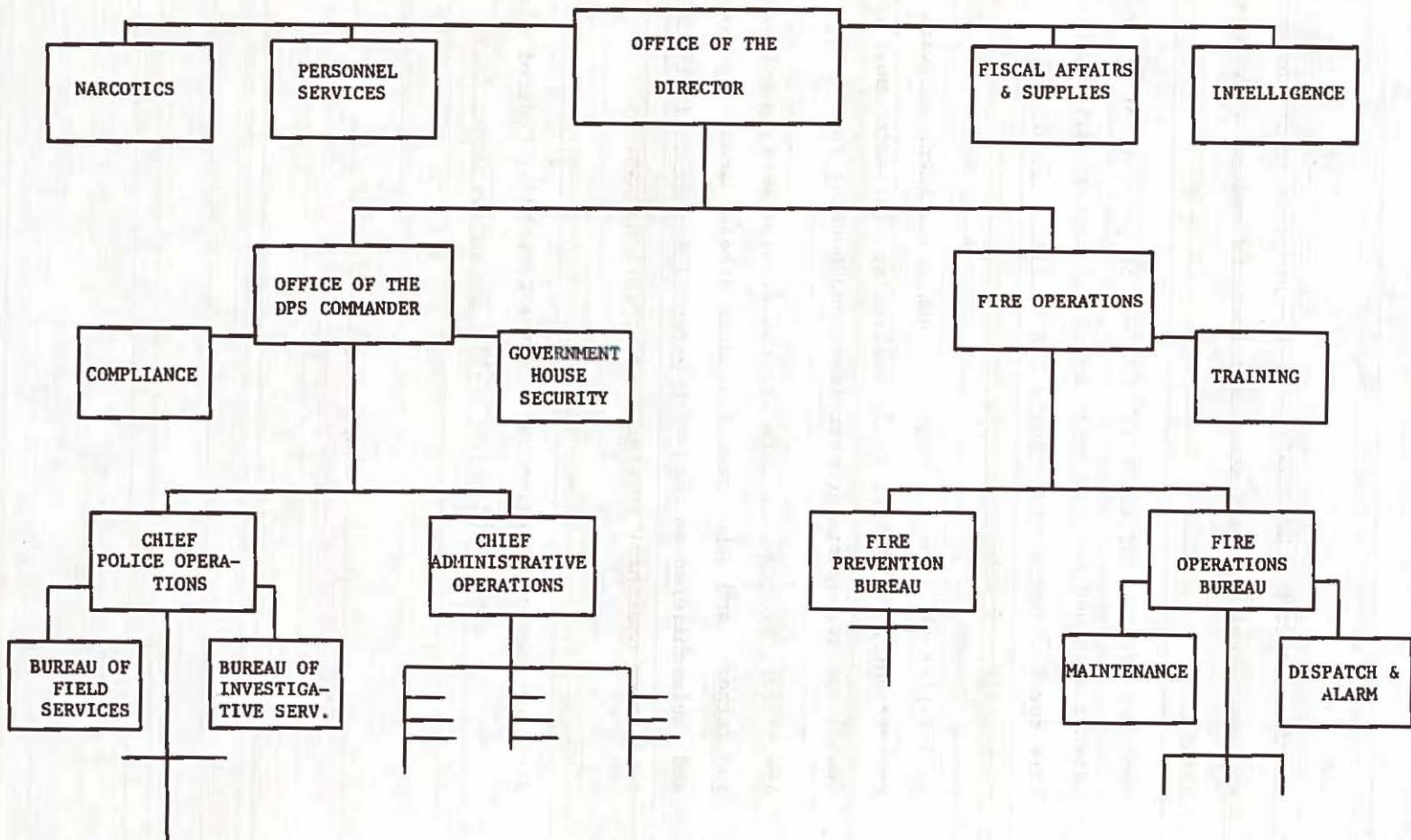
Provides direct assistance in the form of payment for all related health and medical costs and for other necessities of life for low-income individuals and families; screens the eligibility of welfare clients.

Administers programs to assure our senior citizens a living environment conducive to their well-being, including nutrition, dental and transportation services, and housing facilities.

Administers programs to care for children of working mothers and fathers, and other families under stress; assists parents and their children to cope with parental responsibilities and to develop healthful interpersonal relationships.

Statutory Basis: Section 9000 of the Government Code of Guam; Public Law 14-139; Executive Order 7-19.

DEPARTMENT OF PUBLIC SAFETY



DEPARTMENT OF PUBLIC SAFETY

Under the general direction of the Governor of Guam, this department carries out programs to protect the individual and his property from injury and loss caused by criminal actions, the use of harbor facilities, fires, and other disasters.

It provides direction and proper management through the adoption of policies and regulations for an effective and efficient public safety operations; and for the development of a qualified and capable work force; provides instant communication dispatcher services to field operations personnel; maintains adequate police and public identification records to enhance the effectiveness of the judicial process by securing and accounting for all property and evidence brought into the custody of the department, and arranges for the disposal of all unclaimed properties in accordance with proper procedures and laws.

Provides comprehensive, accurate, and rapidly retrievable data on crime statistics for proper deployment of uniformed police force; establishes disciplinary programs to address complaints made against the department's employees.

Provides investigative support services by protecting, recording, researching, collecting, preserving, marking and identifying physical evidence at crime scenes in order to ensure proper

apprehension of persons responsible for the criminal act.

Administers various crime prevention detection and apprehension programs; increases public awareness on the subject of crime prevention through educational programs; increases community involvement in crime prevention by assigning specialized motorcycle patrol units to certain villages throughout the island; provides intensive crime prevention support efforts to the village commissioners and residents by demonstrating and lecturing about community crime prevention.

Conducts routine suppressive and preventive police patrol efforts, to minimize death, injury and disability; enforces traffic laws and employs measures to reduce the severity of harmful and hazardous elements on Guam's public highways. Provides specialized assistance in land rescues, special tactics and the handling of special weapons, riots and crowd control, and sea rescue.

Conducts intensified investigations relative to vice activities for the apprehension of persons allegedly violating commercialized vice laws; provides for the protection of life from organized crime and public disorders.

Conducts criminal investigations and follow-up investigations as required by the Attorney General's Office to insure proper apprehension of persons committing criminal acts.

Provides and operates detention facilities to ensure the safety

of persons charged with criminal actions who must appear in court and where other arrangements have not been made.

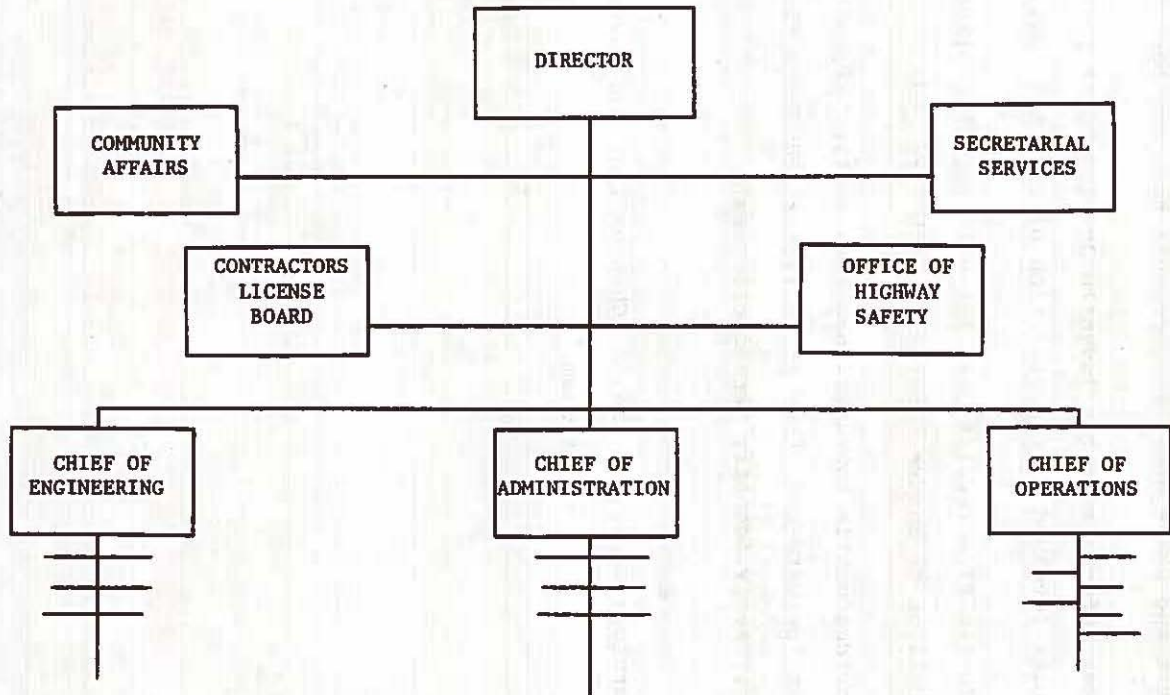
Makes referrals to the Juvenile Justice Court System for youths involved in the violation of criminal laws.

Enforces fire regulations; inspects building plans and specifications to ensure compliance with fire code.

Provides public awareness programs on fire protection to government, private and other group sector; conducts fire investigations to properly identify fire incidences.

Statutory Basis: Title IX, Chapter I of the Government Code of Guam.

DEPARTMENT OF PUBLIC WORKS



DEPARTMENT OF PUBLIC WORKS

Under the general direction of the Governor, this department oversees the erection, maintenance, repair, or demolition of public buildings on the island; provides architectural and engineering services to assist government agencies in the planning, design, and construction of capital improvement projects and for the maintenance of government buildings; reviews construction plans and specifications to ensure compliance with Uniform Building, Electrical, Plumbing, and Safety Codes by private and government facilities.

Maintains public buildings in a clean and safe condition by providing a variety of custodial services; provides repair and maintenance services and makes minor alterations to ensure a safe condition and a high level of utility.

Secures and promotes the health, safety, and general welfare of the people by formulating minimum standards, regarding the location, design, material, construction, repair, and demolition of structures in Guam.

Provides for a system of solid waste management, control and recycling; removes and disposes abandon vehicles and bulky materials under the Abandon Vehicle Program.

Administers the Improvement District Program, which gives the public the opportunity to improve private properties by funding

the development of infrastructure which cannot be readily funded by the General Fund.

Provides and operates transportation facilities and supporting services to facilitate the rapid, safe and economical movement of people and goods within the island; maintains and repairs the government vehicles and equipment fleet; transports school students to and from school; develops, operates and maintains the island's highways; develops technical, administrative and highway operational standards and policies needed to carry-out highway programs; prepares and updates the Comprehensive Highway and Transportation Plan for the Territory. Administers and maintains the Territorial Highway Fund account which provides funding for the department's transportation program.

Receives federal funds under the Federal Highway Safety Act of 1966; administers and coordinates the Guam Highway Safety Program; assists in the development of the Highway Safety Plan; provides training in highway safety related programs.

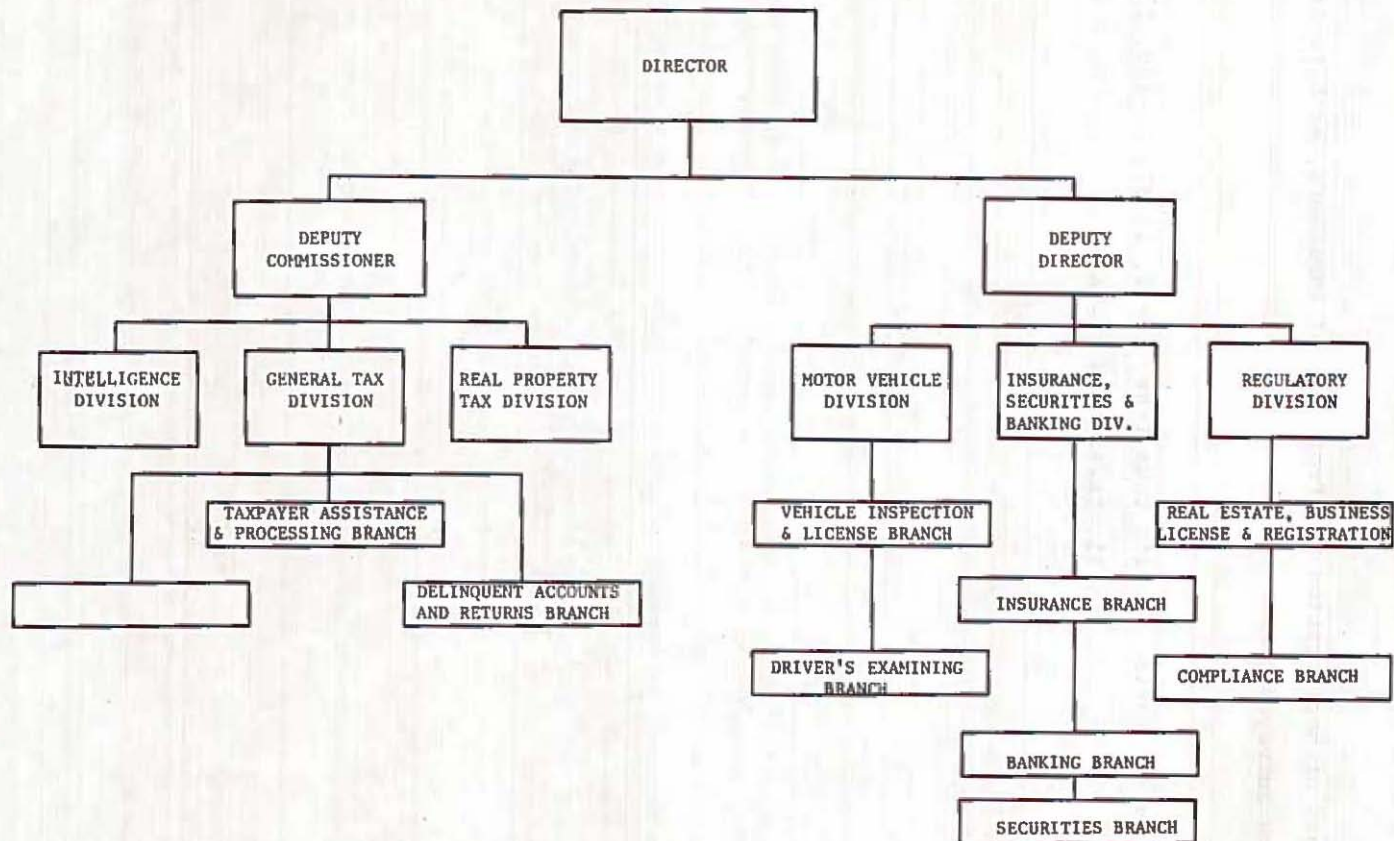
Provides administrative services to the Contractors License Board whose function is to grant licenses to contractors; makes, amends, enforces or repeals applicable rules and regulations; suspends or revokes licenses; provides instructions and information to licensing contractors and hears appeals of the Uniform Building Code.

Provides logistic support and examination through the Territorial

Board of Registration for Professional Engineers, Architects and Land Surveyors.

Statutory Basis: Public Laws 1-88, 10-40, 11-82, 11-100, 13-29, 13-31, 14-34, and 14-76.

DEPARTMENT OF REVENUE AND TAXATION



DEPARTMENT OF REVENUE AND TAXATION

Under the general direction of the Governor of Guam, this department enforces all tax laws of Guam and collects revenues generated from the various taxes levied by the federal and local governments. It is also responsible for the issuance and control of licenses and registrations as well as allied and connected enforcement functions.

Reviews insurance policies and rate proposals; reviews all stock and security transactions to prevent fraudulent acts and insure conformity with the law; audits all banking and financial institutions.

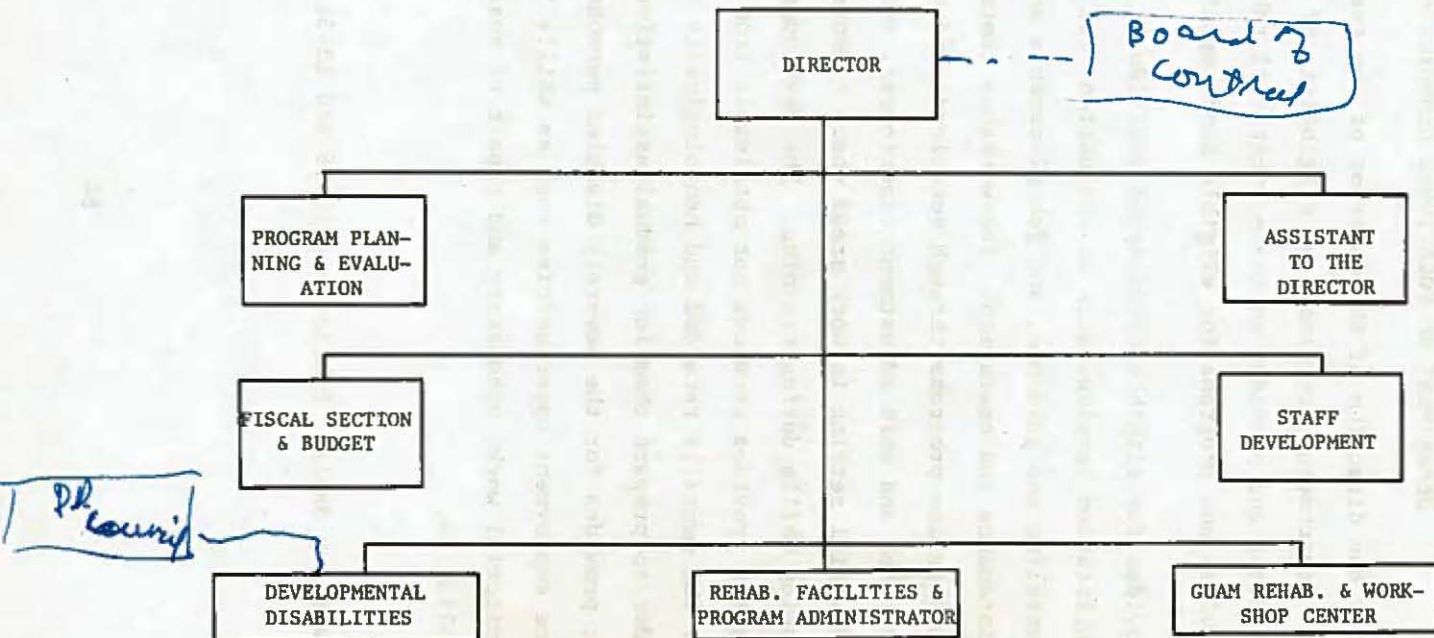
Manages the vehicle inspection program; performs inspection and other enforcement activities to assure compliance with laws and regulations concerning alcoholic beverages, weight and measurements, business licenses, motor vehicle licenses, foreign and domestic corporations, medical practices, trust receipts, chattel mortgages, patents, copyrights, and trademarks.

Initiates and administers a program for taxpayer assistance in the filing and processing of all tax documents; provides for the collection of taxes; performs audits on tax returns; causes the investigation or examination of taxpayers' financial statements; initiates the prosecution of individuals who fail to comply with collection enforcement requirements.

Conducts appraisals and assessments of all taxable land and buildings and assures the collection of real property taxes; administers schools and examinations to assure professionalism in the real estate industry, and issues real estate licenses.

Statutory Basis: Section 1421 of Title 48, U.S. Code Annotated (U.S.C.A.) Section 31, (of the Organic Act of Guam), P.L. 9-228; Government Code of Guam, Volume III, Title XLVIII, Chapter I, Sections 49270-49279.

DEPARTMENT OF VOCATIONAL REHABILITATION



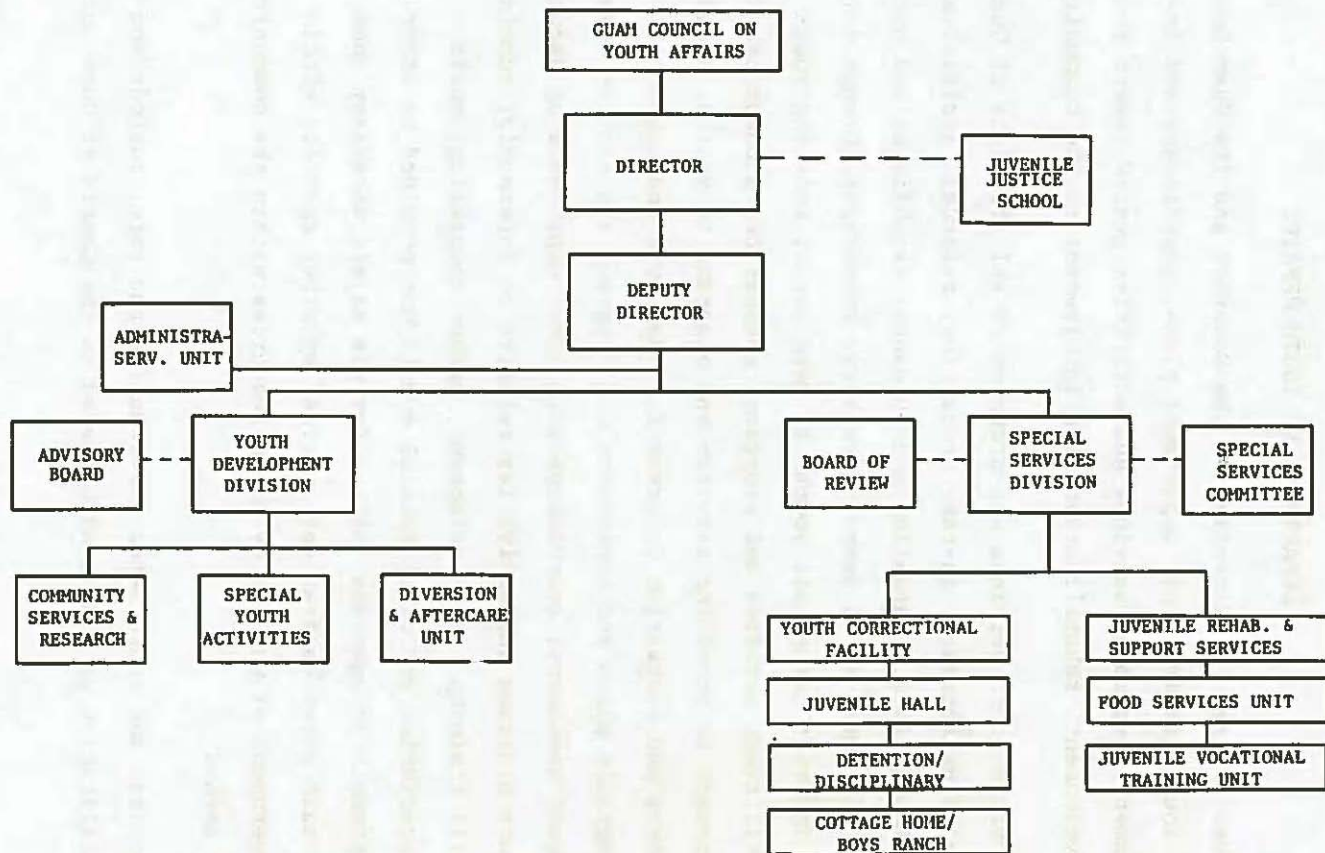
DEPARTMENT OF VOCATIONAL REHABILITATION

Under the direction of the Governor of the territory of Guam, this department determines the eligibility of handicapped individuals and provides adequate vocational rehabilitation services and programs for eligible handicapped individuals.

Provides for eligible handicapped individuals, vocational rehabilitation services such as evaluation, training programs, counseling and guidance, and job placements and follow-up, maintenance and operation. The workshop center provides rehabilitation programs through vocational and work evaluation, personnel and work adjustment experiences, and a wide variety of industrial setting in work areas where clients learn trades and develop skills during training. The Developmental Disabilities Program provides services not obtainable from existing services for the mentally retarded and neurologically handicapped in order to prepare them for gradual assimilation into the community; provides for the severely disabled persons partial or full-time employment opportunities such as skills in food services, janitorial work, upholstery and repair of small electrical appliances.

Statutory Basis: Public Laws 13-18 and 13-36.

DEPARTMENT OF YOUTH AFFAIRS



DEPARTMENT OF YOUTH AFFAIRS

Under the general direction of the Governor and the Guam Council on Youth Affairs, this department plans, coordinates and implements programs, services and activities geared toward youth development, rehabilitation, and involvement in the community.

Provides youth services and programs to all districts of Guam including outreach, in-take processing, referral, judicial and police liaison, counseling and guidance; establishes and operates district centers as deemed necessary; encourages through direct or indirect means, all youths to make use of existing youth facilities, services and programs; establishes a comprehensive approach to providing services and programs to youths; coordinates sports and recreation programs for the youth and augments existing program's plans and implements new programs and services where deemed necessary; coordinates with other departments or agencies youth programs and activities relative to internship; scholarship, skill training, job development, career counseling, music appreciation and other special events not provided by other departments or agencies; make referrals as are necessary when certain services are best provided by other agencies within the Government of Guam or by other resources within the community or abroad.

Provides and coordinates services for the care, custody and rehabilitation of youths adjudicated by the Courts of Guam, or

referred by the Department of Public Safety, Courts of Guam, parents or legal guardians. Maintains and operates facilities for the temporary or continuing care, custody or detention, or commitment and rehabilitation of youths and arranges for use of private homes for such care or detention.

Provides assistance and cooperation to youths and community groups, both organized and unorganized, which provide or sponsor programs and/or services beneficial to the youths. Collects and disseminates information and research data relative to youth needs and problems.

Keeps the Governor, the Judges of the Courts of Guam, the Guam Legislature, the District Commissioners and the general public informed on all major youth developments and achievements.

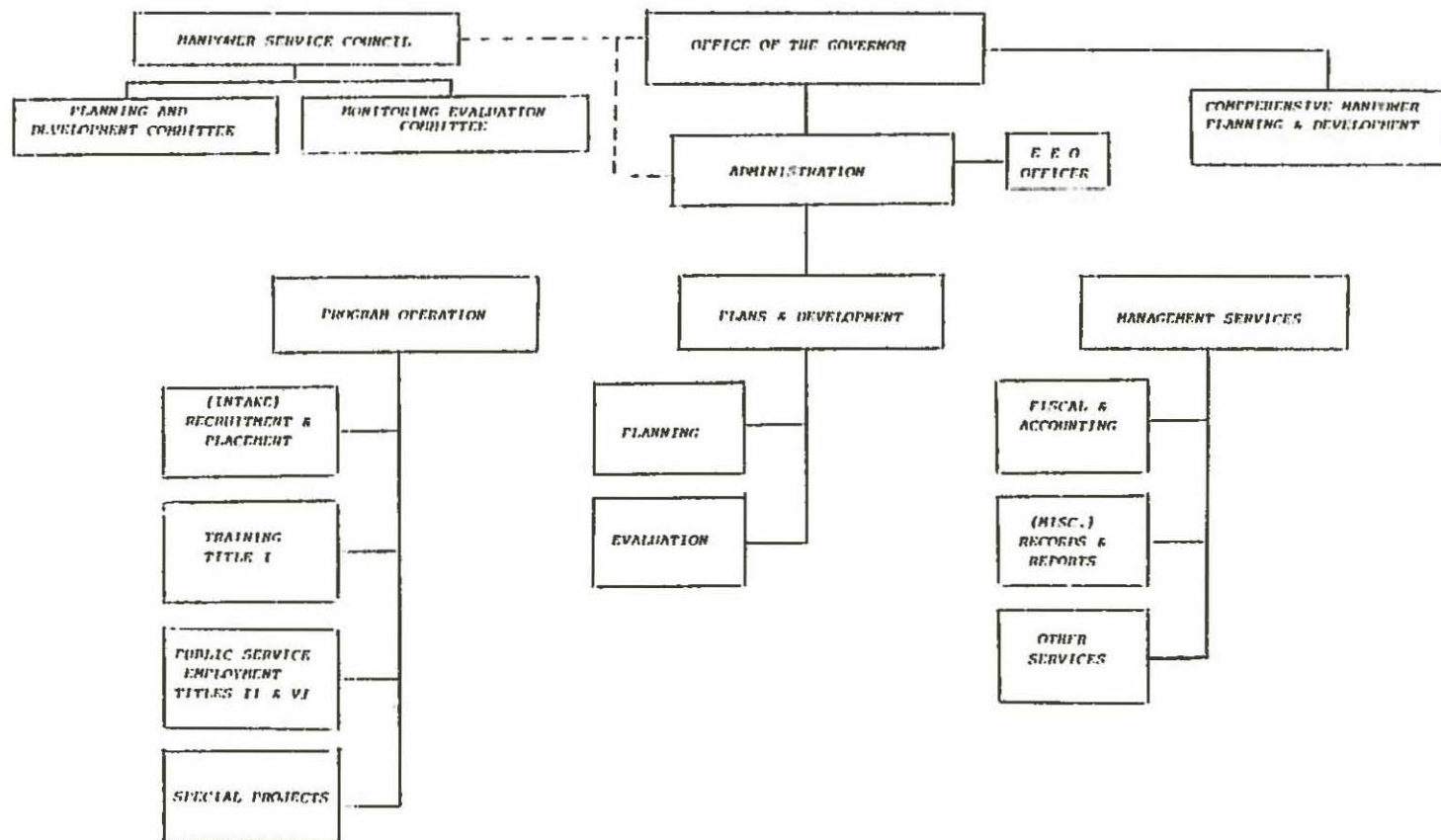
There is a Board of Review established within the Division of Special Services responsible for reviewing and monitoring programs of each client adjudicated by the courts.

There is also a Special Services Committee established within the Division of Special Services to provide input to the Supervisory Board of Guam's State Planning Agency for Criminal Justice and Law Enforcement relative to the development of Supervisory Board's Annual Comprehensive State Plan. This Committee makes recommendations and proposes legislation for the deinstitutionalization of "status offenders" as required by the Juvenile Justice Delinquency Prevention Act of 1974.

Statutory Basis: Public Law 14-110.

EXECUTIVE STAFF OFFICES

AGENCY FOR HUMAN RESOURCES DEVELOPMENT



AGENCY FOR HUMAN RESOURCES DEVELOPMENT

Under the general direction of the Governor, this department coordinates the assessment of the territory's manpower needs, and administers all employment programs funded under the provisions of local statutes and of various federal statutes.

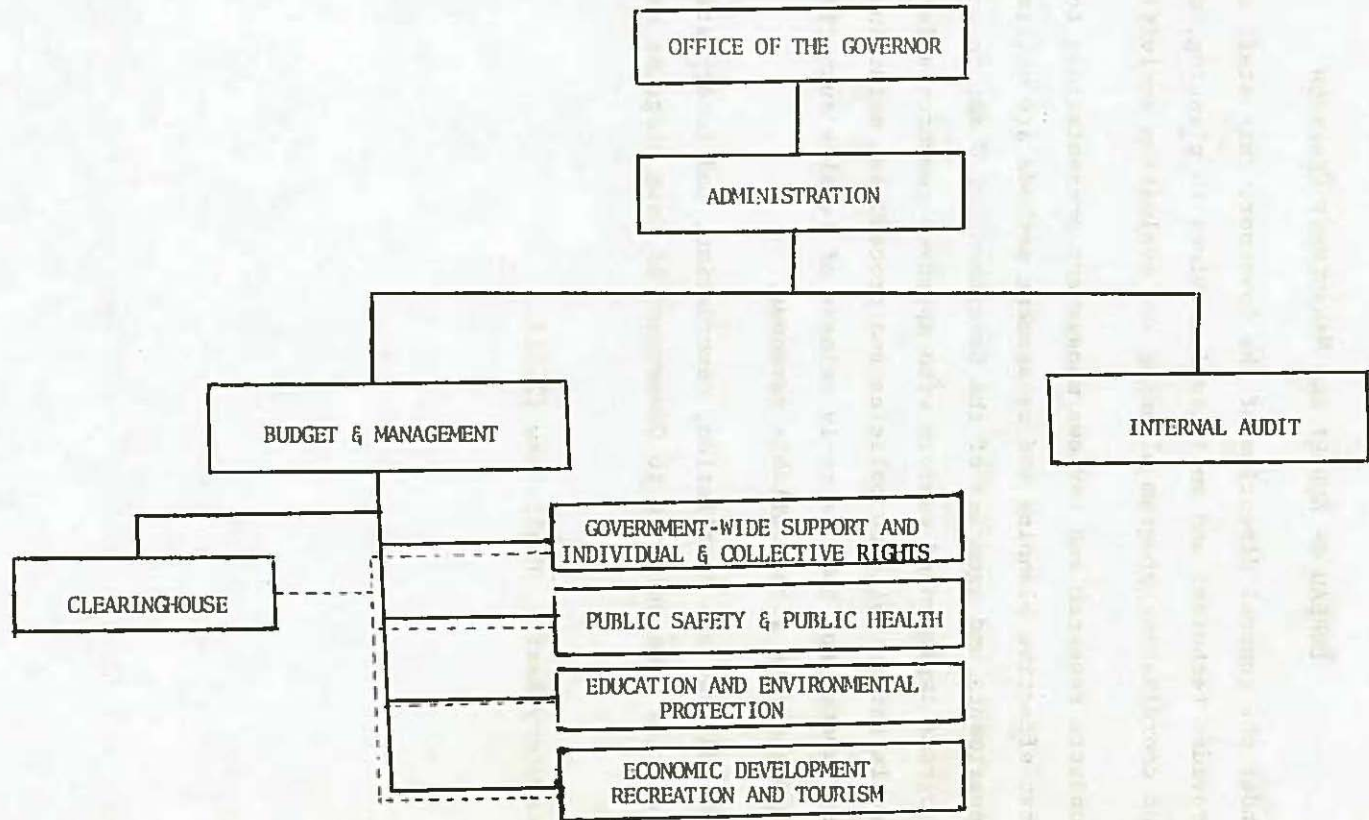
Administers programs under the provisions of the Federal Comprehensive Employment and Training Act (CETA) of 1973, and all subsequent amendments.

Assesses the extent to which vocational education, employment training, employment programs, vocational rehabilitation, and all other programs assisted by CETA and related federal acts and by other statutes represent a consistent, integrated, and coordinated approach to meeting the territory's needs in this area.

Provides technical, clerical, and other forms of assistance to the Manpower Service Council established in accordance with the provisions of CETA.

Statutory Basis: Executive Order 77-6.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH



BUREAU OF BUDGET AND MANAGEMENT RESEARCH

Under the general direction of the Governor, this staff agency provides technical and analytical services in planning, directing, and coordinating program planning and evaluation activities.

Conducts research and reviews management presentations to ensure that effective planning and management methods are utilized by departments and agencies of the Government of Guam; to ensure that programs implemented conform with approved resource allocation levels and established policies and procedures; maintains a control system for the quarterly release of legally authorized funds in consonance with available revenues.

Provides for the compilation, recordation, and interpretation of financial data relating to Government of Guam programs and budgets.

Statutory Basis: Public Law 12-115.

BUREAU OF PLANNING

OFFICE OF THE GOVERNOR

CENTRAL PLANNING COUNCIL

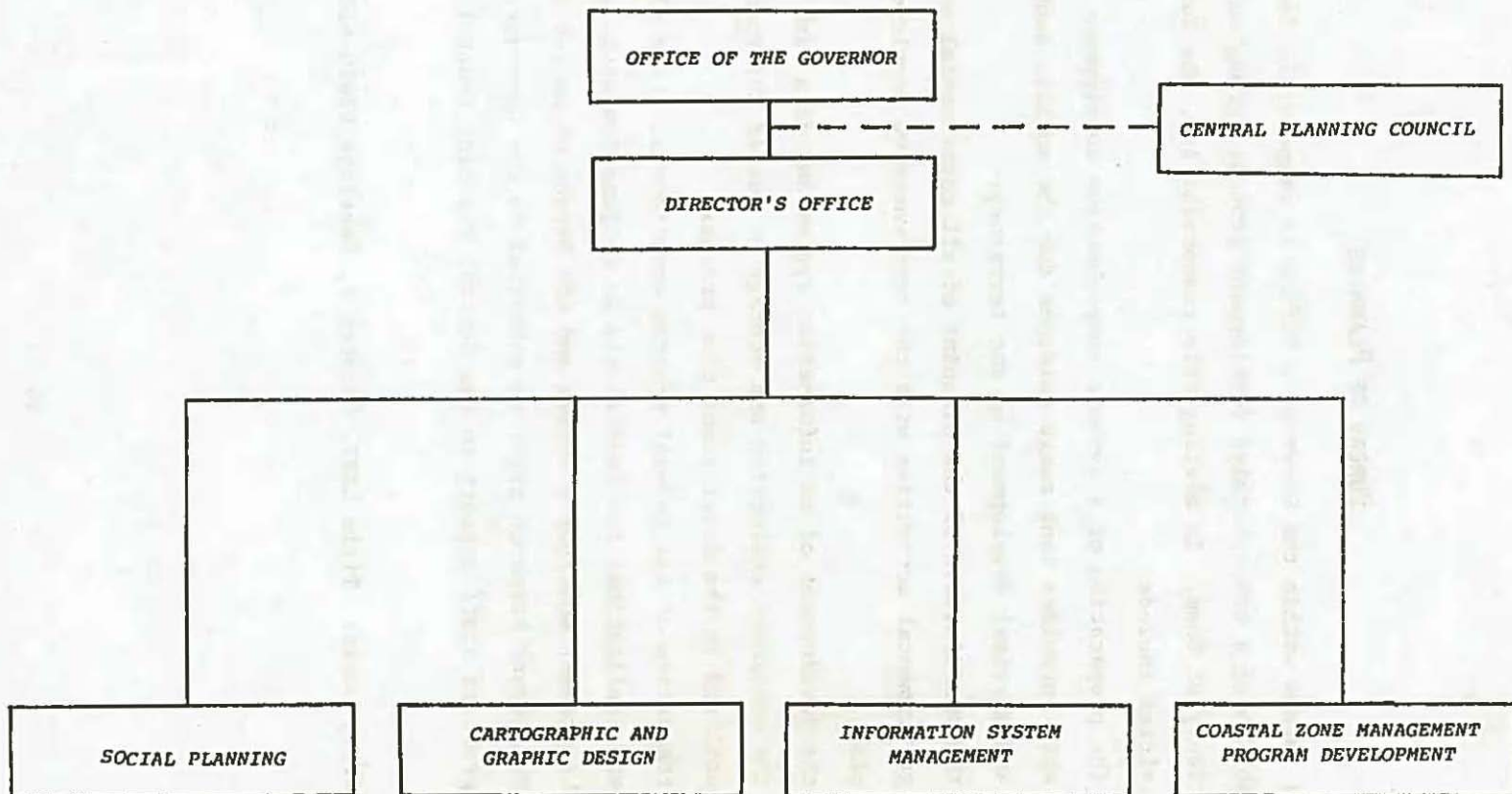
DIRECTOR'S OFFICE

SOCIAL PLANNING

*CARTOGRAPHIC AND
GRAPHIC DESIGN*

*INFORMATION SYSTEM
MANAGEMENT*

*COASTAL ZONE MANAGEMENT
PROGRAM DEVELOPMENT*



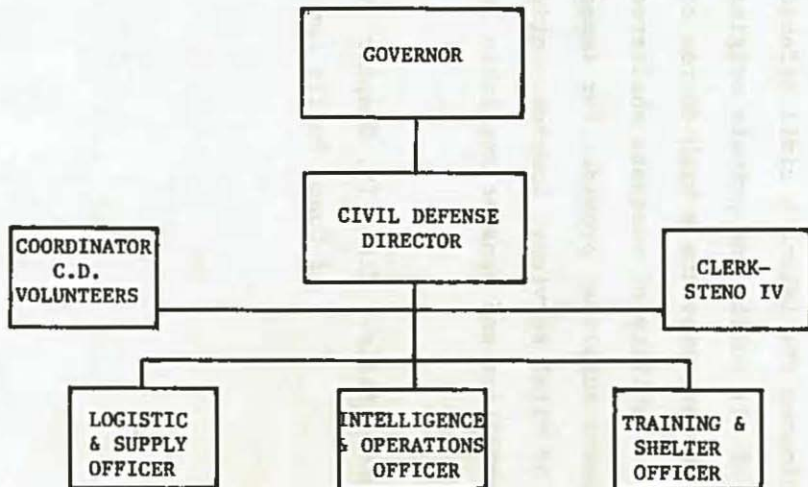
BUREAU OF PLANNING

This Bureau within the Governor's Office is responsible for establishing a comprehensive development process throughout the territory of Guam. In meeting this responsibility, the Bureau's activities include:

1. the preparation of a dynamic comprehensive development plan which provides long range guidance for the social, economic, and physical development of the territory;
2. the coordination of the planning of all governmental and non-governmental activities with the comprehensive development plan;
3. the development of an information system and data bank for the continual collection and storage of public information utilized in the development plan process;
4. the review of all federal program commitments, state plans, and applications for federal aid in conjunction with the Lieutenant Governor's Office and the Bureau of Budget and Management Research prior to submittal to the Governor; and
5. provides staff support to the Central Planning Council.

Statutory Basis: Title LXVI, Chapter I, Sections 62010-62021.

CIVIL DEFENSE OFFICE



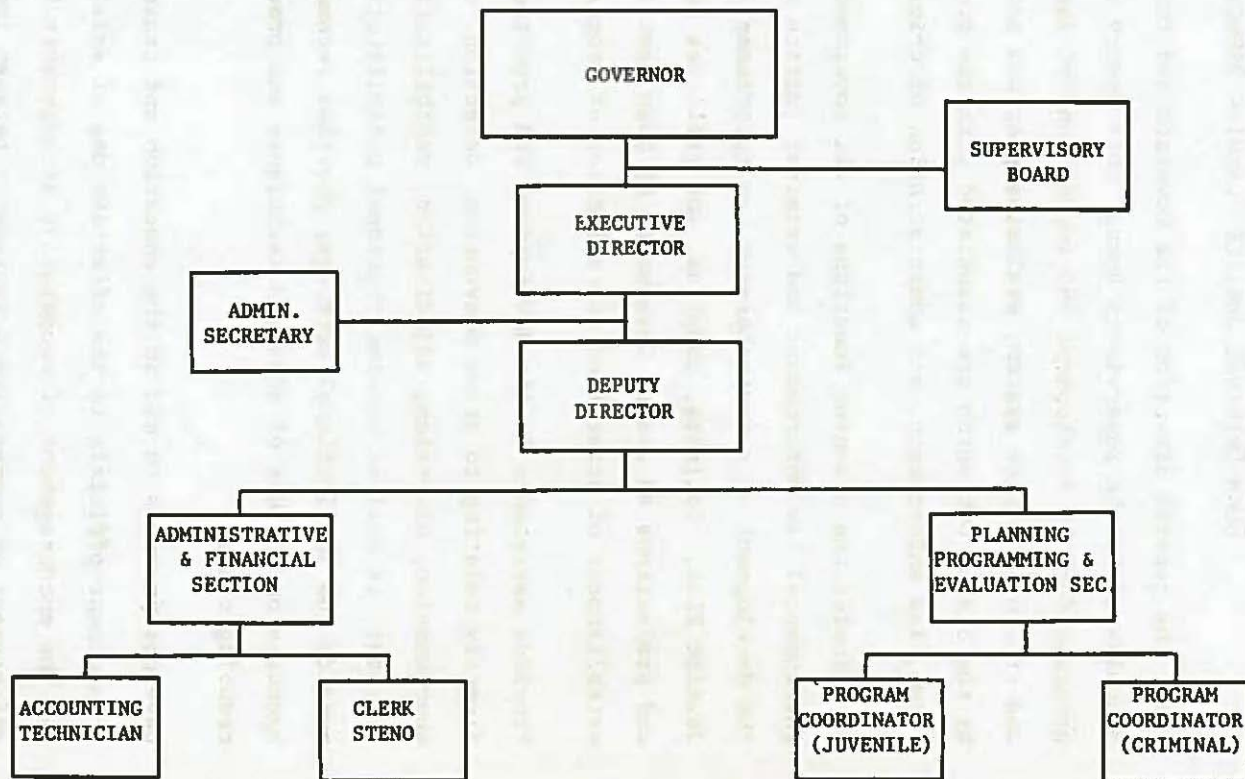
DEPARTMENT OF CIVIL DEFENSE

Under the direction of the Governor of Guam, this department provides for the territory's safety and protection of life and property originating from either natural or man-made disasters.

Coordinates the island's civil defense emergency preparedness plan of all public and private originations; in the event of nuclear war, provides a high degree of preparedness by assuring the availability of adequate sheltered facilities, emergency equipment supplies; provides for immediate repair and restoration of vital services; insures continuance of civil government and mobilizes and manages available resources of the island.

Statutory Basis: Title IV, Chapter IV of the Government Code of Guam; Public Law 1-21.

~~CRIMINAL JUSTICE PLANNING AGENCY~~



GUAM CRIMINAL JUSTICE PLANNING AGENCY

Under the general direction of the Governor and the policies promulgated by the Supervisory Board, this agency administers programs for the development and improvement of law enforcement and criminal justice system; evaluates programs not administered by the agency but which are associated with the prevention of crime, law enforcement, and administration of criminal justice.

Coordinates the planning functions of all governmental and non-governmental law enforcement and criminal justice activities for the development of a Comprehensive Law Enforcement/Criminal Justice Plan. Collects, compiles, and publishes data, analysis, and projections to assist Government of Guam agencies in the establishment of priorities and selection of programs.

Provides assistance in the development and promotion of programs directly relating to crime prevention, detection, deterrence, apprehension, diversion, adjudication, rehabilitation, and confinement, as well as non-institutional rehabilitation programs outside the institutional settings; provides recommendations to agencies on the use of advanced techniques and practices for reducing crime.

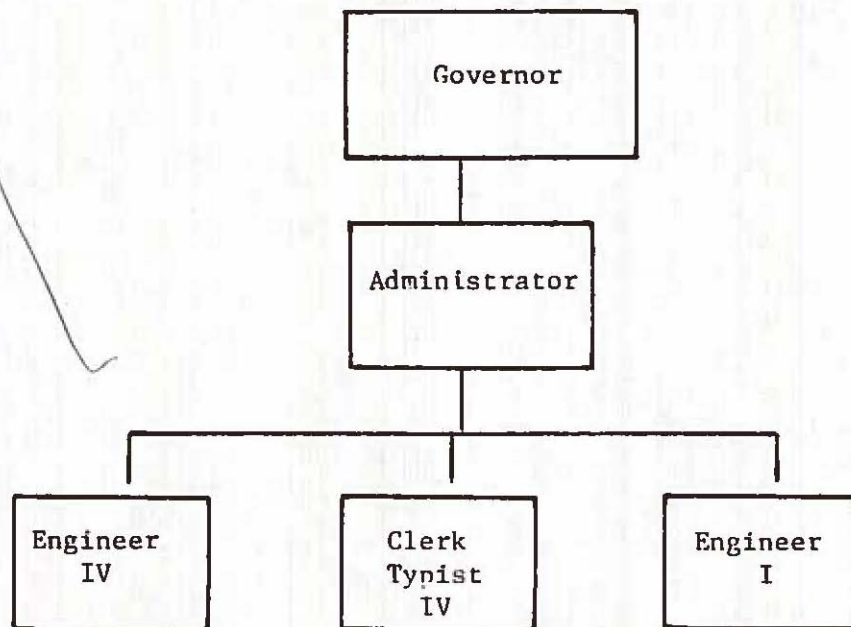
Develops programs to aid in the education and training of law enforcement officials in the effective use of existing facilities for the encouragement of cooperative arrangements between law enforcement of cooperative arrangements between law enforcement,

criminal justice, and other related agencies, and for innovations in the design of institutions and facilities.

Statutory Basis: Executive Order 77-11.



GUAM ENERGY OFFICE



GUAM ENERGY OFFICE

Under the general direction of the Governor, this office ensures that equitable allocation of fuel is available to the territory in its effort to address the needs of individuals, businesses, industries, and government through the implementation of the Emergency Petroleum Allocation Act of 1973 and the Federal Energy Act of 1975.

Researches, studies, determines the best energy conservation measures and practices to minimize energy consumption and waste, and to assure adequate supplies of energy and fuel; coordinates the island's energy conservation and allocation programs and conducts public awareness programs to inform, encourage, and advise the community on energy conservation matters and problems.

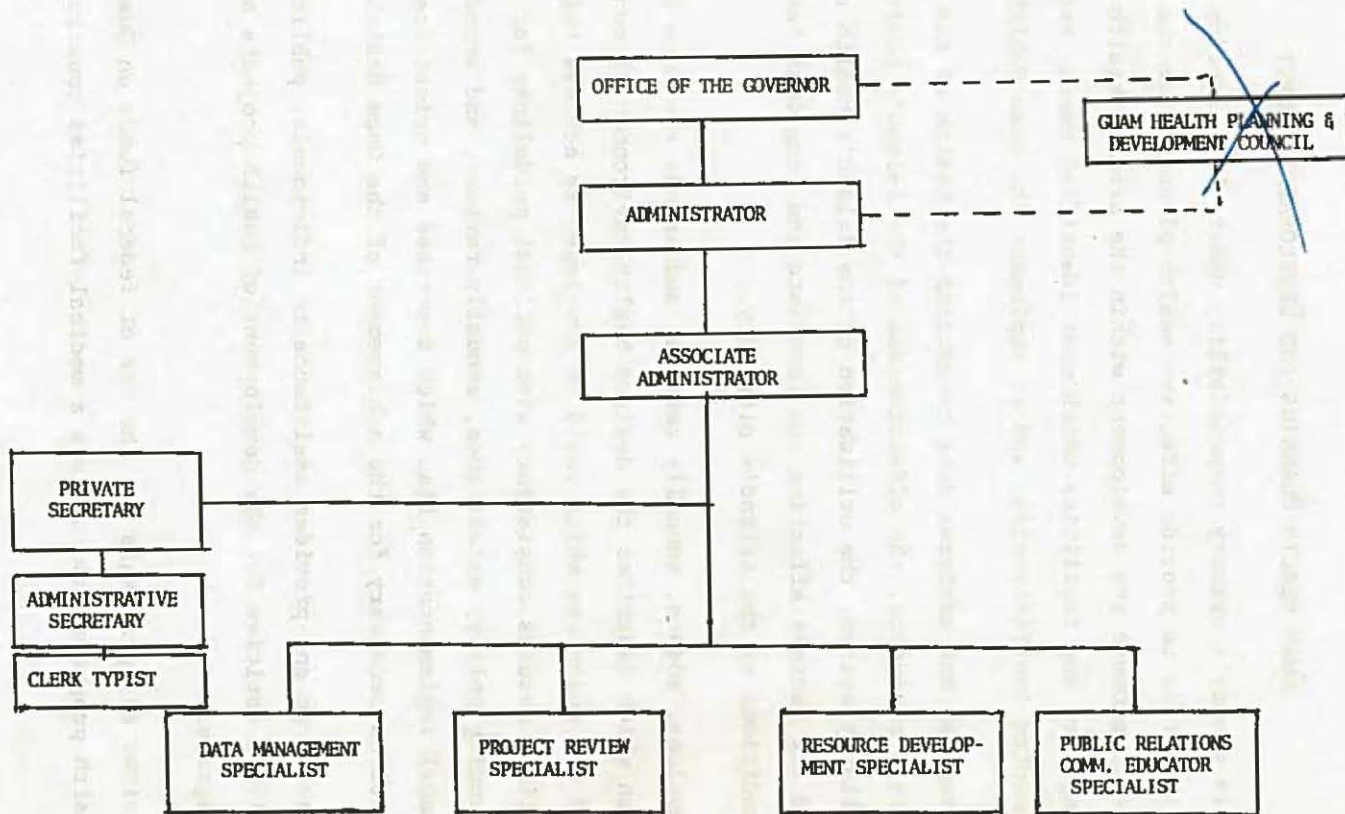
Develops proposed legislation relative to energy management, conservation and development of alternate sources of energy; enforces or delegates to the proper agency involved, the power to enforce laws enacted by the federal government, or the Government of Guam relative to petroleum products price stabilization.

Promotes the development of an active island-wide Energy Resources Council; provides technical services to government facility managers toward identifying avenues for improving energy efficiency on general facility operations; conducts energy audits in public buildings to detect and reduce energy waste,

Compiles data regarding energy imports to project future energy requirements; conducts research on alternate sources of energy applicable to Guam; promotes the development and use of alternate forms of energy in lieu of fossil fuels where practicable and economically feasible; contracts for research and development of an Ocean Thermal Energy Conservation System for Guam; formulates plans and programs for the optimum development of Guam's energy resources.

Statutory Basis: Public Laws 12-100 and 13-70.

GUAM HEALTH PLANNING AND DEVELOPMENT AGENCY



GUAM HEALTH PLANNING AND DEVELOPMENT AGENCY

This agency's primary responsibility under the direction of the Governor is to provide effective health planning for the island and to promote the development within the area of health services, manpower, and facilities which meet identified needs; reduce documented inefficiencies; and to implement the Guam Health Plan.

Assembles and analyzes data concerning the health of the territory's residents, the effectiveness of the island's health care delivery system, the utilization of the island's health resources, and the factors affecting the immediate and long-term health conditions of the island's citizenry.

Develops, adopts, annually reviews, and amends the Guam Health Plan which describes the desired health environmental condition and the resources which could be developed to achieve this condition; assures consistency with national guidelines for health planning policy; establishes, annually reviews, and amends an Annual Implementation Plan which describes and prioritizes objectives necessary for the achievement of the Guam Health Plan.

Seeks from and provides assistance to individuals, public and private entities for the development of health projects and programs.

Reviews any proposals for the use of federal funds on Guam for health programs; administers a medical facilities construction

grant and loan program; reviews and publishes its findings respecting new institutional health services being offered on Guam.

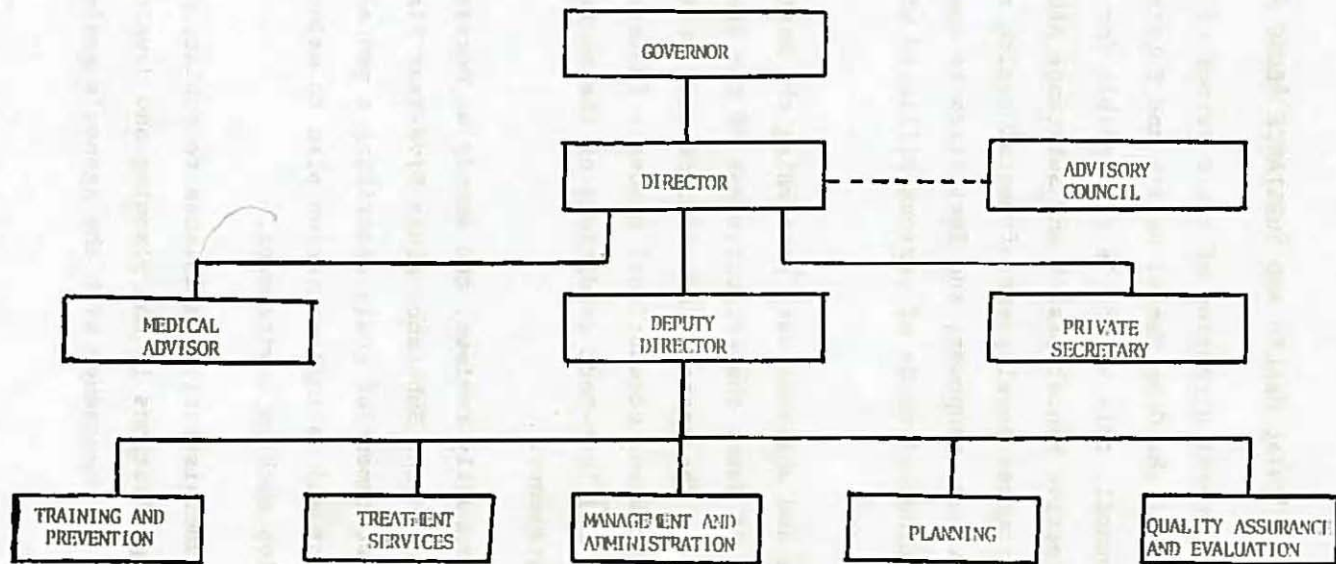
Statutory Basis: Public Law 14-140; Federal Public Law 93-641, the National Health Planning and Resources Development Act of 1974; Executive Order 77-20.

GUAM OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

Guam Occupational Information Coordinating Committee is responsible for developing and implementing an occupational information system and for creating and carrying out programs designed to improve communication, coordination and cooperation in the utilization of that system. This Committee establishes a channel of communication between users and providers of occupational information and provides such information that supports the planning process for vocational or occupational programs and manpower training programs. It also provides data that support the career planning and guidance needs of various target population and delivers the necessary occupational information to different user groups in appropriate formats and within the requisite time frames.

Statutory Basis: Inter-Agencies Agreement of GOICC approved by the Governor on May 8, 1981.

MENTAL HEALTH AND SUBSTANCE ABUSE AGENCY



MENTAL HEALTH AND SUBSTANCE ABUSE AGENCY

Under the general direction of the Governor of Guam and with the advice of the Guam Mental Health and Substance Abuse Advisory Council, this agency is responsible for the provision of an effective Mental Health and Substance Abuse Plan for the island; promotes development of mental health and substance abuse services, manpower, and facilities to meet the physical and psychological needs of persons afflicted with mental disorders.

Assembles and analyzes data concerning the mental health of the residents of Guam, the effectiveness of the agency's care delivery system, the patterns of resource utilization, and the environmental and occupational exposure factors affecting the immediate and long-term conditions of the mental health of Guam's citizenry.

Develops, annually reviews, and amends as necessary, the Guam Mental Health and Substance Abuse Five-Year Plan, which is a detailed statement of goals describing a mentally healthful environment and an implementation plan to maintain, improve, and develop such an environment,

Provides administrative assistance to public, private, or non-profit organizations in the planning and development of projects which are in consonance with the agency's goals.

Reviews all program applications for federal assistance to ensure sound planning and well-thoughtout priorities in the identification of federal funds for mental health and substance abuse related services; assists in and/or provides direct input into the formulation of related legislation.

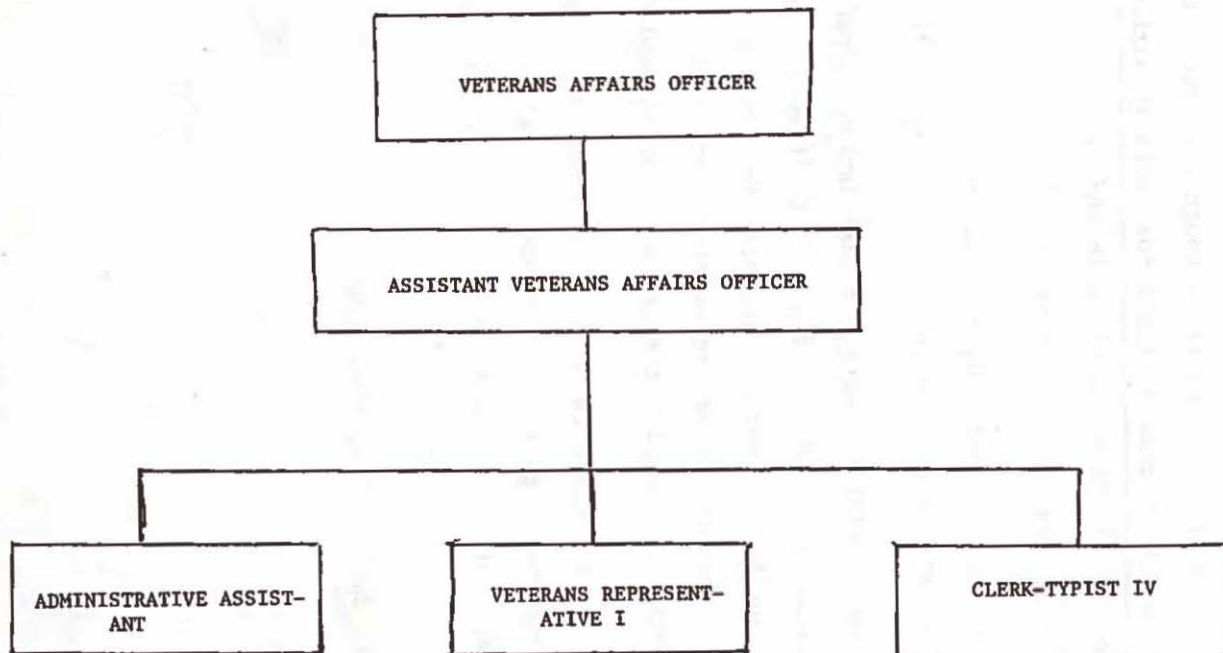
Develops and implements educational programs on the prevention, treatment, and rehabilitation of mental health illnesses,

Undertakes special projects and administers outpatients and rehabilitation programs for drug addicts through decentralized clinics and health centers; operates drug crisis intervention centers; provides counseling services; and administers a detoxification program for the treatment of alcoholics.

Develops action plans identifying alternatives to drug and alcohol misuse, such as recreational, social, and occupational programs; assists in the development of self-help programs.

Statutory Basis: Executive Order 78-3.

OFFICE OF VETERANS AFFAIRS



OFFICE OF VETERANS AFFAIRS

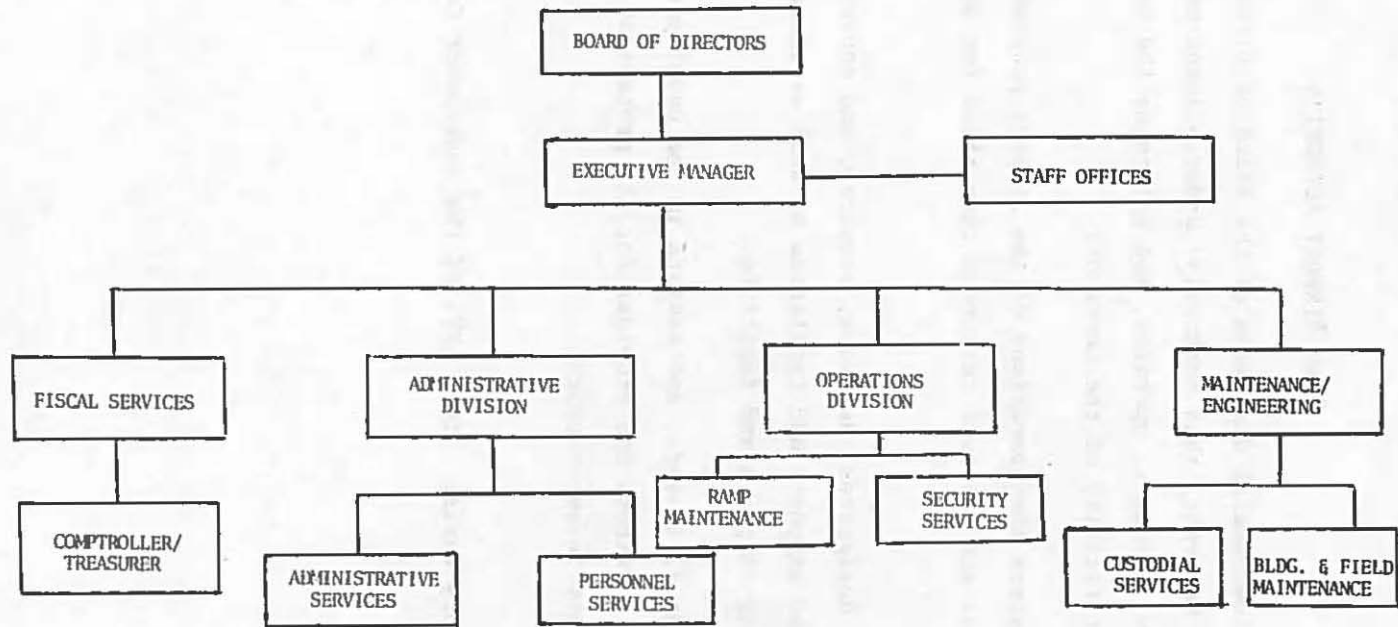
Counsels and guides all veterans and their dependents of the Armed Forces of the United States on benefits and certain entitlement to them by law.

Administers programs to enable veterans and their dependents to adjust to civilian life; provides information regarding programs and services available for them.

Administers the Veterans' Bonus Act compensating veterans who served with the military or naval forces of the United States during World War II and the Korean or Indo-China Conflicts.

Statutory Basis: Public Laws 10-123 and 11-146

GUAM AIRPORT AUTHORITY



GUAM AIRPORT AUTHORITY

Under the general direction of the Board of Directors, appointed by the Governor, this Authority, under a joint use agreement with the Navy, manages, operates, and maintains the only civilian airport facility of the territory.

Administers the operations of the airport program by managing all physical and manpower resources identified for use in this program.

Plans, designates, develops, acquires, and constructs new and/or expanded airports and facilities as well as reconstructing existing airports and facilities.

Encourages, fosters, and assists in the development of aeronautics in the territory and provides for the protection and promotion of safety in aeronautics.

Statutory Basis: Title LXVI of the Government Code of Guam,

GUAM COMMUNITY COLLEGE



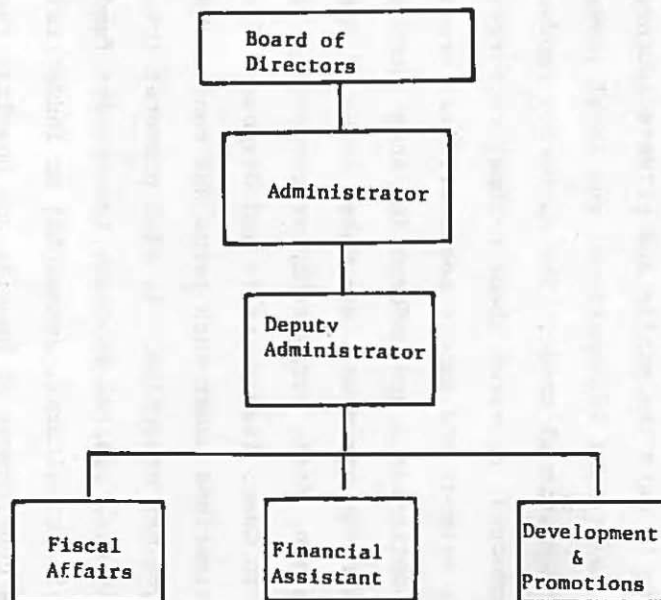
GUAM COMMUNITY COLLEGE

The college through the general direction of the Governor and policy governance of the Board of Trustees, provides educational opportunities in three (3) basic areas: secondary education, post-secondary and continuing education and apprenticeship training. It is an educational institution granting high school equivalency diplomas; high school diplomas and Associate of Arts and Science degrees. It also functions as a manpower training institute with programs delivering Certificates of Training and Journeyman Certificates; and as a Community Service institute with vocational and enrichment programs.

The college coordinates the academic program which includes college transfers, general education, vocational technical, semi-professional, and continuing education programs; develops and implements the plan for vocational education; coordinates its programs with those in both the private and business sectors.

Statutory Basis: Title 12-A, Section 5116, Government Code of Guam.

GUAM ECONOMIC DEVELOPMENT AUTHORITY



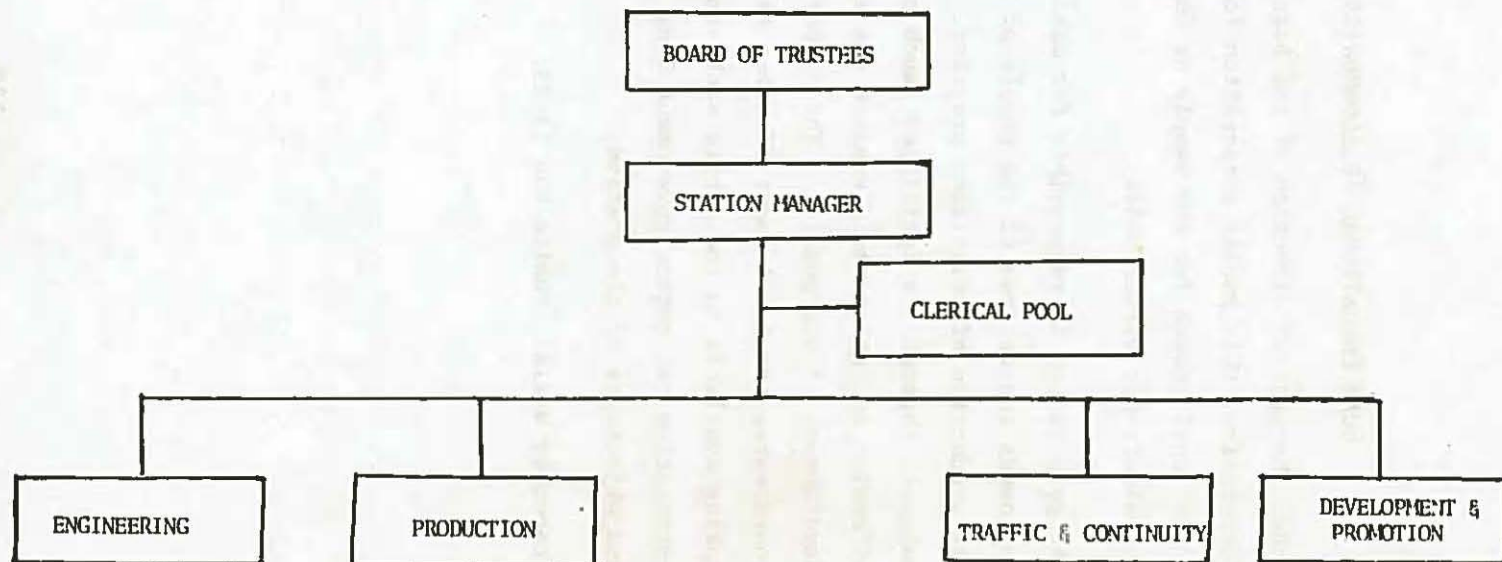
GUAM ECONOMIC DEVELOPMENT AUTHORITY

The Guam Economic Development Authority assists in the development and implementation of an integrated program for the economic development of Guam in the areas of commerce, agriculture, industry, and tourism; promotes and supports the development and expansion of tourism in both the public and private sectors; promotes programs to attract international and local investment, and to expand international trade. The Authority conducts or causes to be conducted, research about natural resources, experiments, marketing methods and export possibilities; prepares and disseminates publications and information about economic conditions and development opportunities; makes loans or loan guarantees to any person, firm, partnership or corporation licensed to do business in Guam; issues, sells and disposes of revenue bonds and other obligations under such terms and conditions as the Guam Legislature may prescribe. It also promotes investments of entrepreneurial capital in Guam; invests its funds in the development of agricultural, commercial or industrial parks as well as in the development of housing and hospital facilities.

The Authority administers the Guam Development Fund Act of 1968 (U.S. Public Law 90-601 and 95-135), and the Agricultural Development Fund and Agricultural Expense Insurance Fund.

Statutory Basis: Title 54 of the Government Code of Guam.

GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION



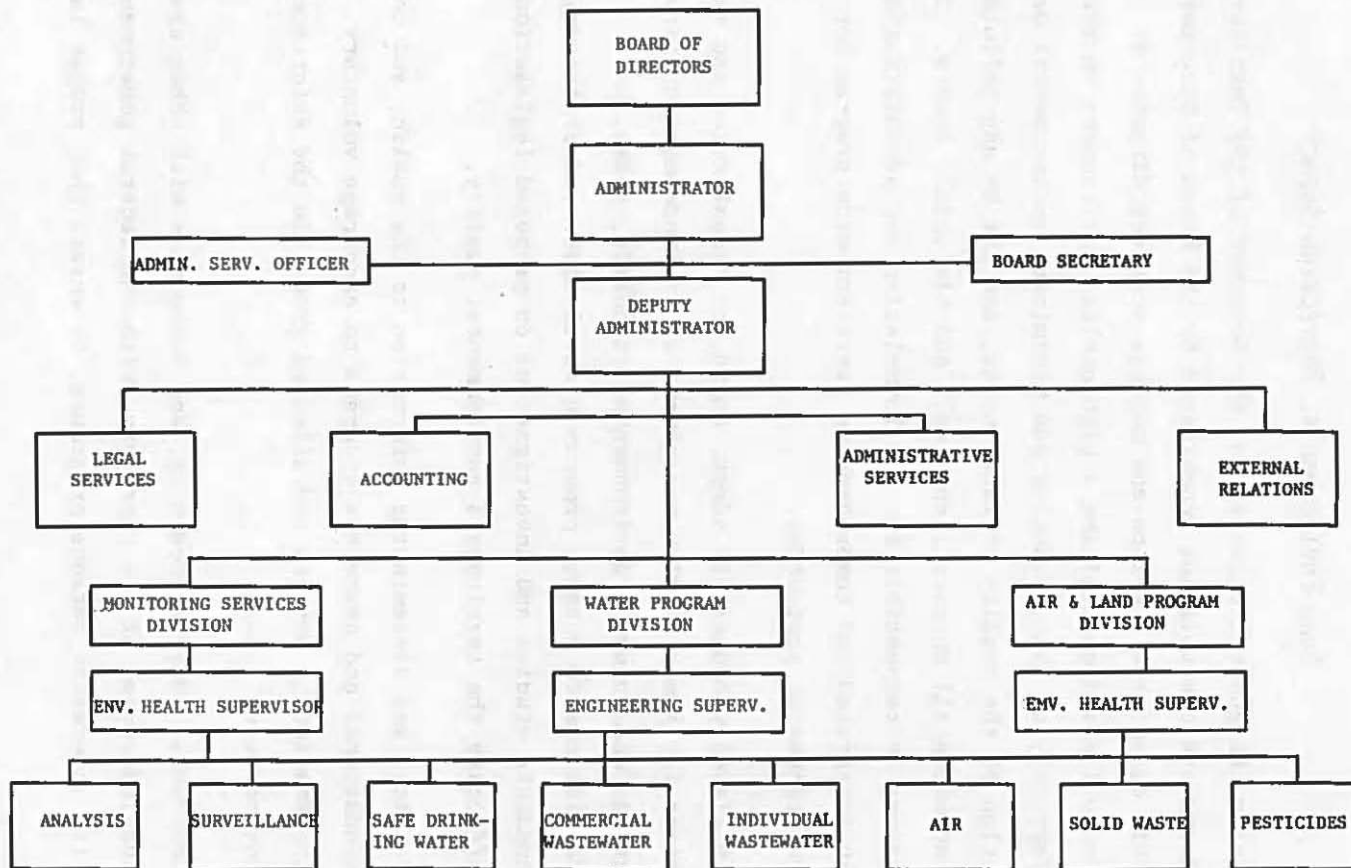
GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION

Under the general direction of the Board of Trustees of the Corporation, this public corporation fosters cultural and educational growth for the people of Guam through television and electronic visual media.

The corporation is responsible for making studies to determine the needs and desires of the people of Guam as they relate to the production of television programs. It is authorized to promulgate, through its facilities, such programs which are not offensive and which could enhance the educational and cultural development of the public. The corporation encourages and coordinates the involvement of other television stations in making available to the public such educational programs. The corporation can obtain government land to carry out the goals and objectives of the station.

Statutory Basis: Public Law 13-93.

GUAM ENVIRONMENTAL PROTECTION AGENCY



GUAM ENVIRONMENTAL PROTECTION AGENCY

Under the general direction of the Governor of the Territory of Guam, and the policies promulgated by the Board of Directors, this department develops and manages programs directed at improving and maintaining a high quality environment in the Territory of Guam, reducing and minimizing environmental degradation of the quality of land, water, and air by any pollutants, including all physical, chemical, and biological agents. The agency is responsible for the formulation and administration of an integrated and comprehensive territory-wide program for environmental protection.

Initiates proposals to adopt, amend, or repeal rules and regulations for the effective management of environmental quality programs; and enforces environmental standards, codes, and regulations to enhance program effectiveness and efficiency; conducts studies and investigations on proposed legislations affecting the territory's environmental quality.

Collects and disseminates information to the public, and conducts educational and awareness programs to encourage voluntary cooperation by persons and affected groups in the enforcement of environmental laws.

Contracts, advises, consults, and cooperates with other agencies and industries of the territory, with the federal government, and with interested persons or groups, to ensure that proper importance

is given to the environmental effects that such entities' or groups' projects may have on Guam; to ensure that all federally assisted projects meet the environmental requirements of the Government of Guam.

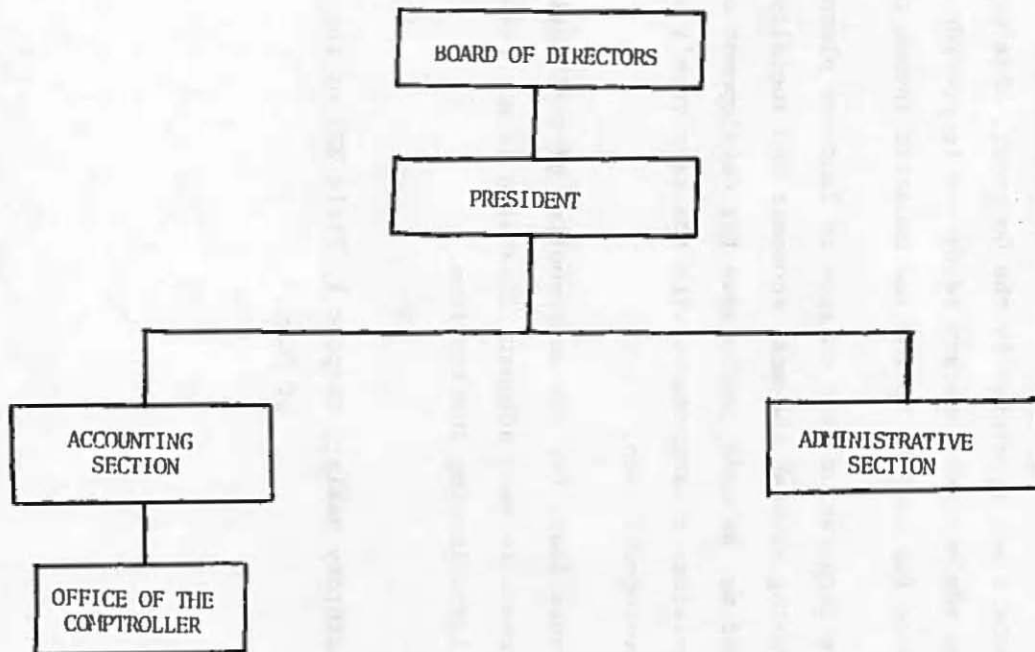
Develops plans, adopts regulations, and enforces such regulations for the protection, conservation, and development of the water resources of Guam; monitors and assesses the development and management of water resources and water facilities for territory-wide economic development; reviews plans and permit applications for construction of individual on-site wastewater disposal system or connection to municipal sewer systems; carries out inspections and conducts surveys of residents abutting public sewers to ensure compliance.

Develops solid waste programs aimed at resource and energy recovery from throw-away materials; provides technical assistance and training to operators of solid waste collection and disposal facilities; reviews permit applications for the design and for the operation of solid waste collection, disposal, transport and processing system on Guam; reviews applications for the use of pesticides, enforces regulations, promotes industries that are non-polluting, renders technical assistance for the installation of the proper equipment to abate air pollution; conducts market surveillance and sampling program on wholesale firms, garden shops, etc., which distribute and sell pesticides; coordinates with other regulatory entities to curtail the flow of prohibited

pesticide through the port of entry; conducts public hearings in order to facilitate and encourage strong public involvement in terms of formulating air pollution policy.

Statutory Basis: Executive Order 73-13; Public Laws 11-191, 12-191, 9-31, 9-76, 3-109, 10-74, 14-22, 14-37, and 14-31.

GUAM HOUSING CORPORATION



GUAM HOUSING CORPORATION

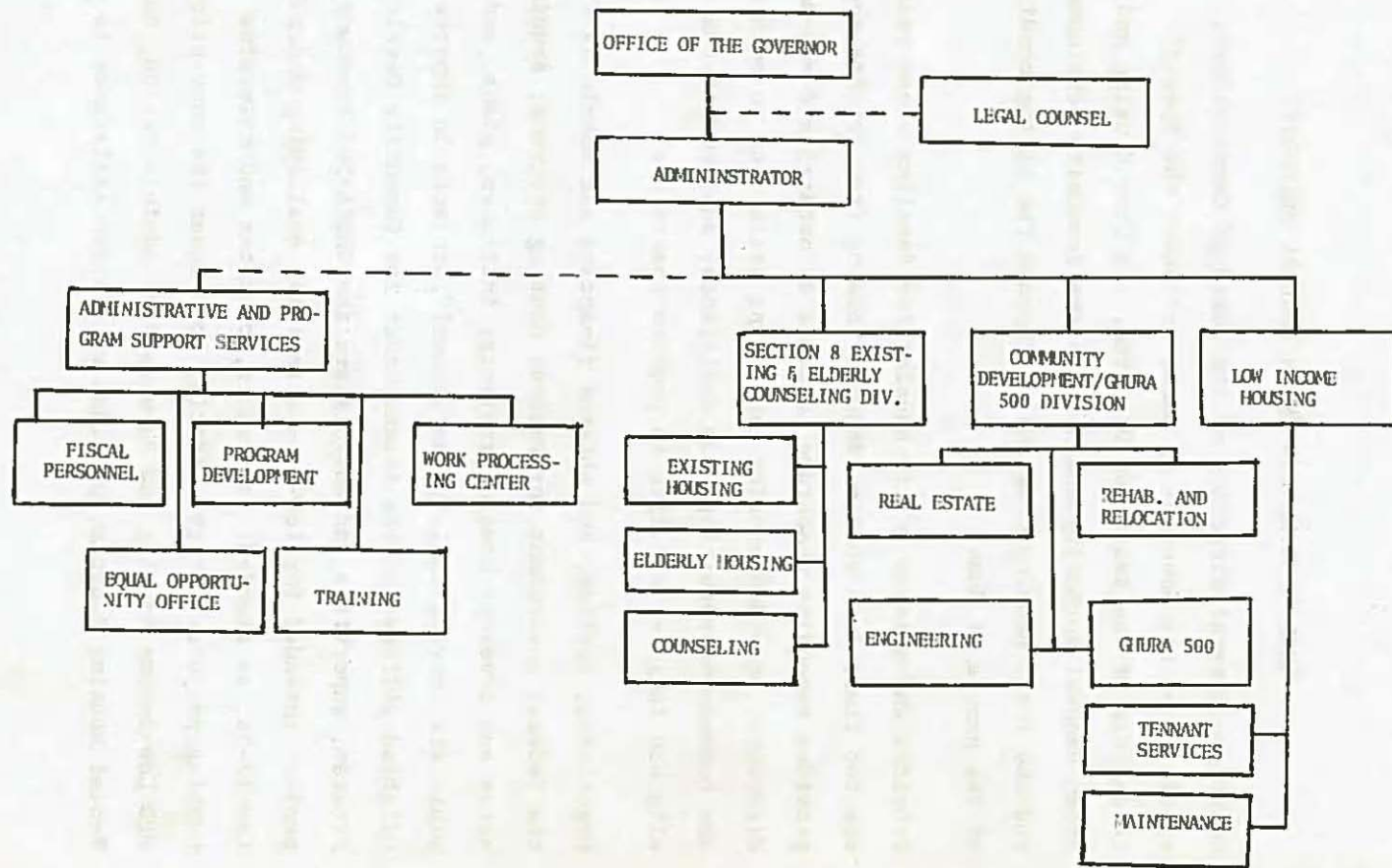
Under the general direction of the Board of Directors, whose members are appointed by the Governor, this Corporation manages and administers monetary resources to provide financial assistance for housing to low and moderate income residents of Guam.

The Corporation also engages in land-use planning for residential housing so that the most economic and socially beneficial use of land may be made; encourages the development of residential subdivisions in accordance with the territory's comprehensive development plan.

Issues loans for the construction of residential structures to persons to whom adequate financing is not available through private lending institutions.

Statutory Basis: Chapter 1, Title XXI of the Government Code of Guam.

GUAM HOUSING AND URBAN RENEWAL AUTHORITY



GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Under the general direction of the Board of Commissioners appointed by the Governor of Guam, and under the specific leadership of the Executive Director, the Guam Housing and Urban Renewal Authority administers the community development and the local housing programs to improve the living conditions of the people of Guam.

Provides and manages public housing for families whose resources are too limited to obtain adequate housing from private sources; provides rehousing resources in times of natural and man-made disasters; provides housing counseling assistance to both renters and homeowners requiring such assistance; supplements the rent of eligible families who live in private apartments.

Negotiates, applies, and obtains financing and subsidies from the federal government for various housing programs; acquire sites and develops housing projects; initiates, plans, and administers conventional "Urban Renewal" projects in impacted and blighted villages on the island under the Community Development Program; supervises and administers the GHURA-500 homeownership project intended for low-income families qualifying under Public Law 12-56, as amended; constructs, operates and maintains housing projects for the elderly, both under the conventional HUD Low-Income Housing and Farmers Home Administration, Rural Rental Housing Program; provides relocation assistance to dis-

placed individuals, families, and businesses displaced due to governmental actions.

Statutory Basis: Chapter 10, Section 13900 of the Government Code of Guam.

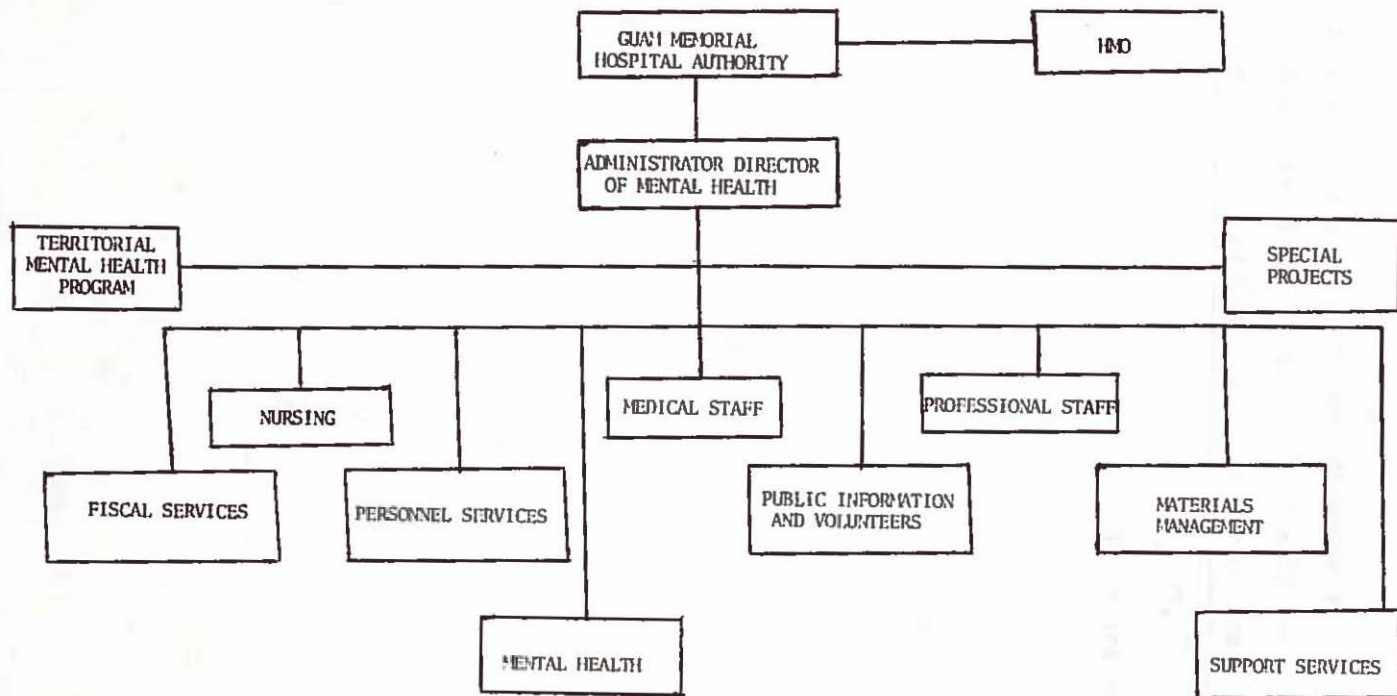
GUAM MASS TRANSIT AUTHORITY

The purposes for which the Authority is created are to establish, develop, promote and/or operate public transportation systems within the territory of Guam together with incidental and related facilities and services in order to provide adequate public transportation for persons residing in or visiting the territory of Guam. The Authority may do any and all things necessary to carry out the purposes of this Title including, subject to the approval of the Legislature by resolution, the issuance of bonds and other debentures and the incurrence of long term obligations. The Guam Mass Transit Authority shall be governed by a Board consisting of five (5) directors appointed by the Governor with the advice and consent of the Legislature. The Governor will designate, from among the members of the Board thus appointed, the president and vice-president of the Authority. The directors and officers thus appointed and designated shall hold office for terms of three (3) years unless sooner removed by the Governor and shall serve without compensation, except that they may be reimbursed for reasonable expenses incurred in carrying out their responsibilities. The Board of Directors, with the approval of the Governor, may appoint such other officers as it deems necessary for the proper conduct of the Authority's business, including and upon such terms as it deems appropriate, a General Manager who shall be the Chief Executive Officer for the Authority. In addition, the Board, with the

approval of the Governor, may contract with responsible transportation companies for the operation of buses and other vehicles, facilities and other properties owned by the Authority.

Statutory Basis: Public Law 15-92.

GUAM MEMORIAL HOSPITAL AUTHORITY



GUAM MEMORIAL HOSPITAL AUTHORITY

Under general directions of the Board of Trustees, this authority administers health programs, including intensive medical programs to restore the physical and mental health of persons suffering from physical and mental disorders.

This authority provides staff assistance and advisory services in the administrative functions of planning, construction, improvement, maintenance, and operations of the public hospital; assists, advises and/or exercises general supervision and direction of the hospital; provides overall guidance and direction of the hospital and evaluates its performance; and administers all other aspects of the program, including fiscal control and coordination with governmental, professional, and private agencies or groups.

Provides and coordinates services to improve the health of mothers and children of the territory; to prevent, treat and rehabilitate handicapped and mentally retarded children; to sustain the mentally retarded in community life and arranges for admission to services; plan for public and professional education, the application of preventive measures.

Administers medical and relates specialized health services pertinent to chronic illness, laboratory analyses, nursing, nutrition, emergency health mobilization, and the improvement of medical care facilities; conducts investigations and studies regarding chronic diseases, occupational illnesses, medical

factors related to accidents, and the means of prevention and rehabilitation; conducts a laboratory analyses, investigations and research; provides consultative and educational services in the area of nutrition; plans and advises on emergency mobilization of medical and public health services; administers programs for the physical improvement, licensing and certification of the hospital.

Administers programs to improve the mental health of the people of the state, and to decrease the incidence of mental illness; operates a clinic for the mentally ill; operates a non-institutional convalescent services program, including a day hospital; administers outpatient and rehabilitation programs through clinics; conducts professional training, research, planning and community education of the prevention, treatment and rehabilitation of mental illness,

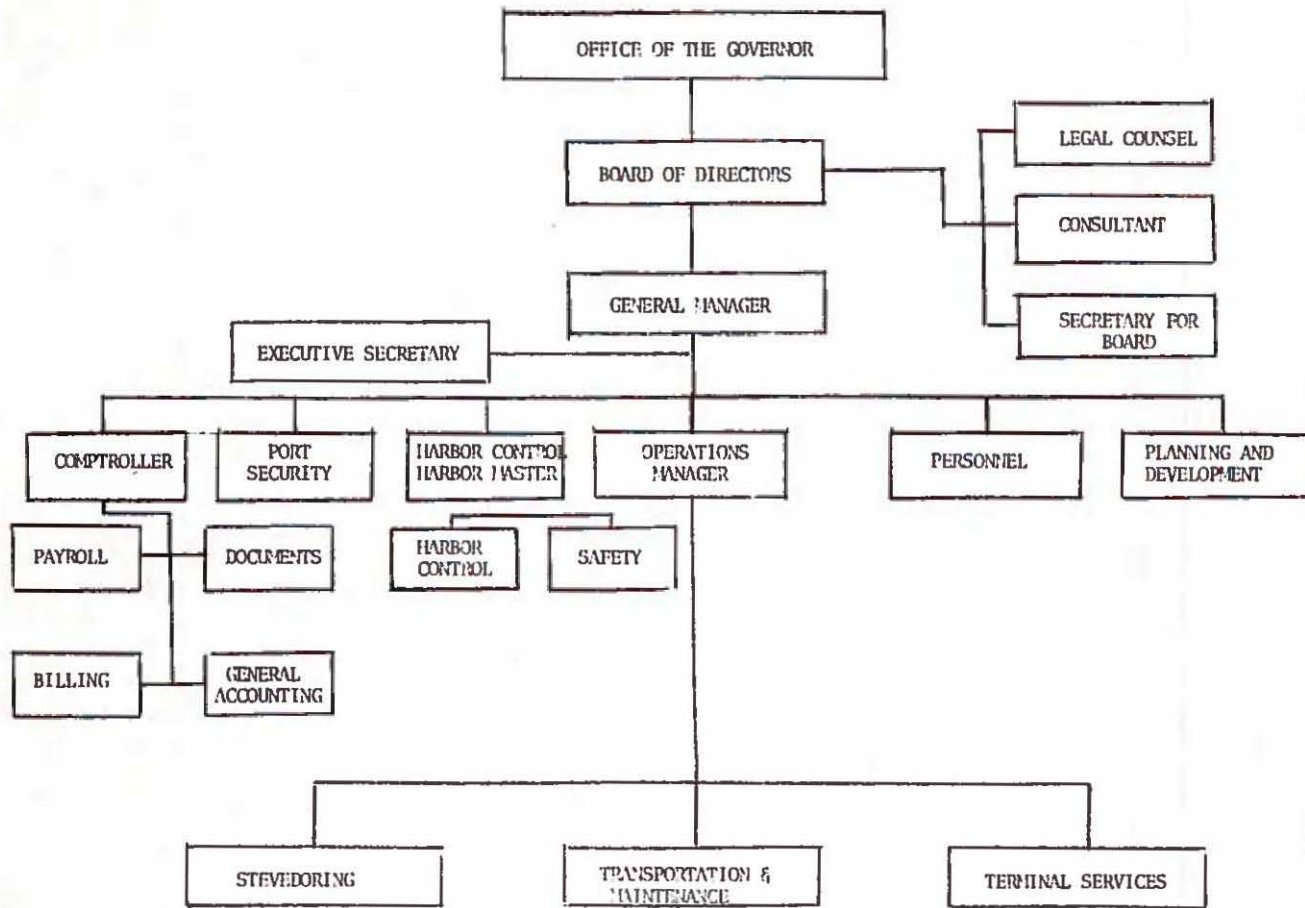
Administers a hospital program for the mentally retarded and the elderly; provides care, treatment and training services to develop patients to their greatest capabilities and prepare as many as possible to return to the community; and assists discharged patients to adjust to community livings.

Plans, administers and conducts activities to achieve the goals and objectives of the authority more efficiently through the effective use of automated data processing (ADP) services. Plans, organizes, coordinates, reports, and directs at the departmental level a productive and efficient ADP capability to produce

effective qualification of pertinent facts that relate health need to services.

Statutory Basis: Chapter 1, Title 47 of the Government Code of Guam.

GUAM PORT AUTHORITY



GUAM PORT AUTHORITY

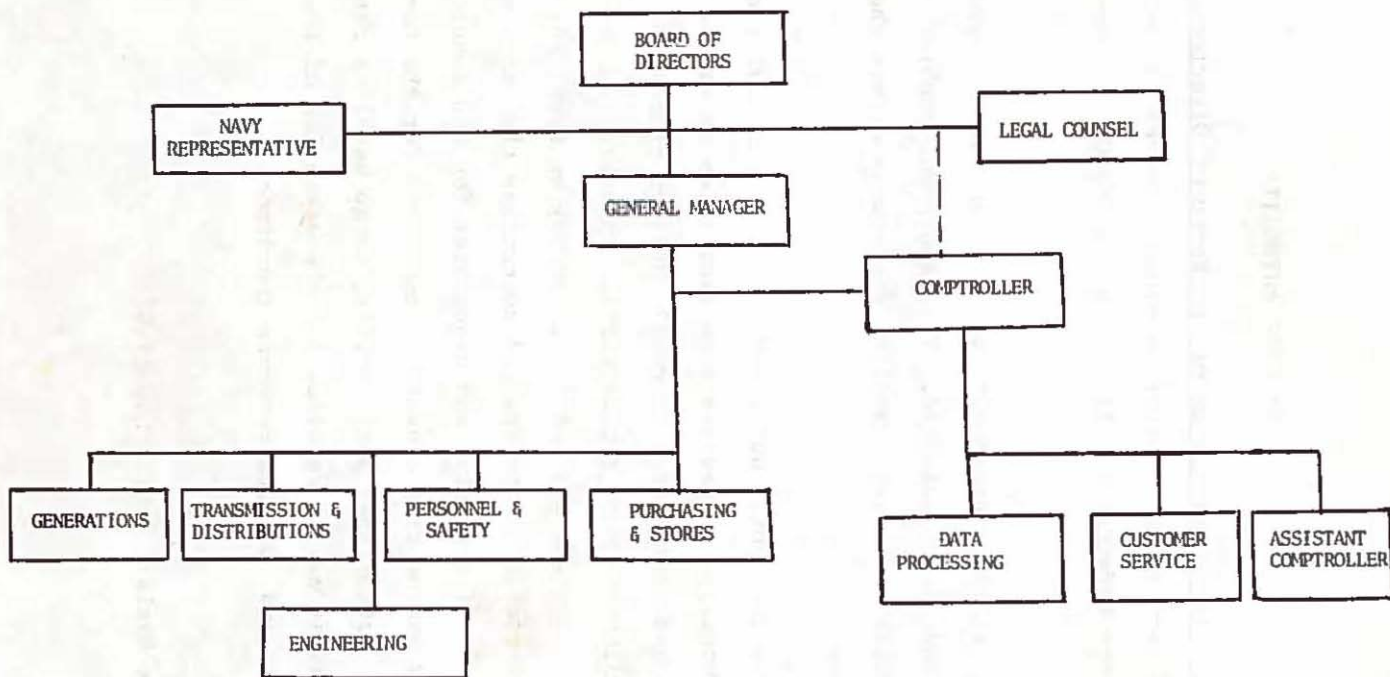
Under the general direction of the Board of Directors, appointed by the Governor, this Authority manages, operates, and maintains its seaport terminal facilities to promote Guam's commerce and trade.

The Port maintains equipment for handling cargo to and from vessels and within the yard. This equipment enables the Port to accomplish all cargo handling operations within the port facilities.

Plans, designs, constructs, and maintains terminal facilities; alters, modifies or revises such facilities as may be required; prepares and submits for approval, project statements of proposed construction or reconstruction; prepares surveys, plans specifications and cost estimates as may be required; enters into construction contracts and supervises the construction and maintenance of projects; and negotiates for and supervises necessary engineering consultant contracts for the Port Authority of Guam. Establishes port tariffs, cargo handling rates and other fees as may be required for the operation of the port facilities and collects revenues therefrom.

Statutory Basis: Public Law 13-87.

GUAM POWER AUTHORITY



GUAM POWER AUTHORITY

Under the general direction of the Board of Directors, appointed by the Governor, this Authority manages, operates, and maintains the public power generating facilities of the territory; provides electrical power to military and civilian communities under mutual agreement with the Navy; provides for the determination of island-wide electrical needs for the periodic review of the state of the art for new technological development.

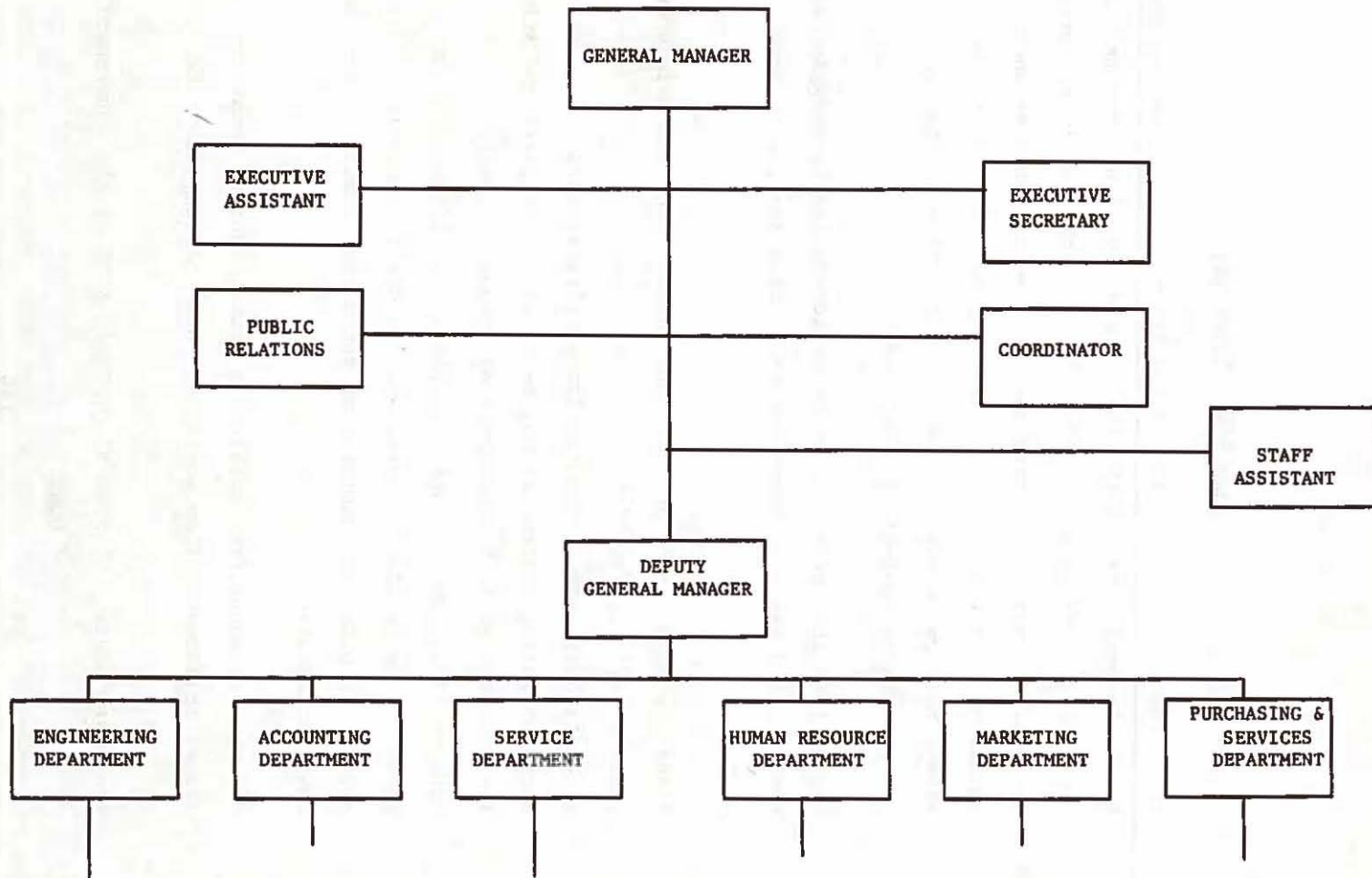
Administers the operations of power generation by managing all physical and manpower resources identified for use in power generation.

Plans, designs, and supervises the construction and maintenance of power generating facilities; selects, designates or lays-out power generation systems in the territory; alters, modifies or revises such generating systems as may be required; prepares and submits for approval project statements of proposed construction for reconstruction; prepares surveys, plans, specifications, and estimates as are required; undertakes, enters into contracts for and supervises necessary engineering consultant contracts for the Guam Power Authority.

Collects revenues from public and private energy consumers through the establishment of an equitable power consumption rate.

Statutory Basis: Chapter VI of Title XXII of the Government Code of Guam.

GUAM TELEPHONE AUTHORITY



GUAM TELEPHONE AUTHORITY

Under the directions of the Board of Directors, appointed by the Governor, this Authority manages, operates, and maintains the public telephone system of the territory; provides services to the civilian communities for the periodic review of the state of the art for new technological development.

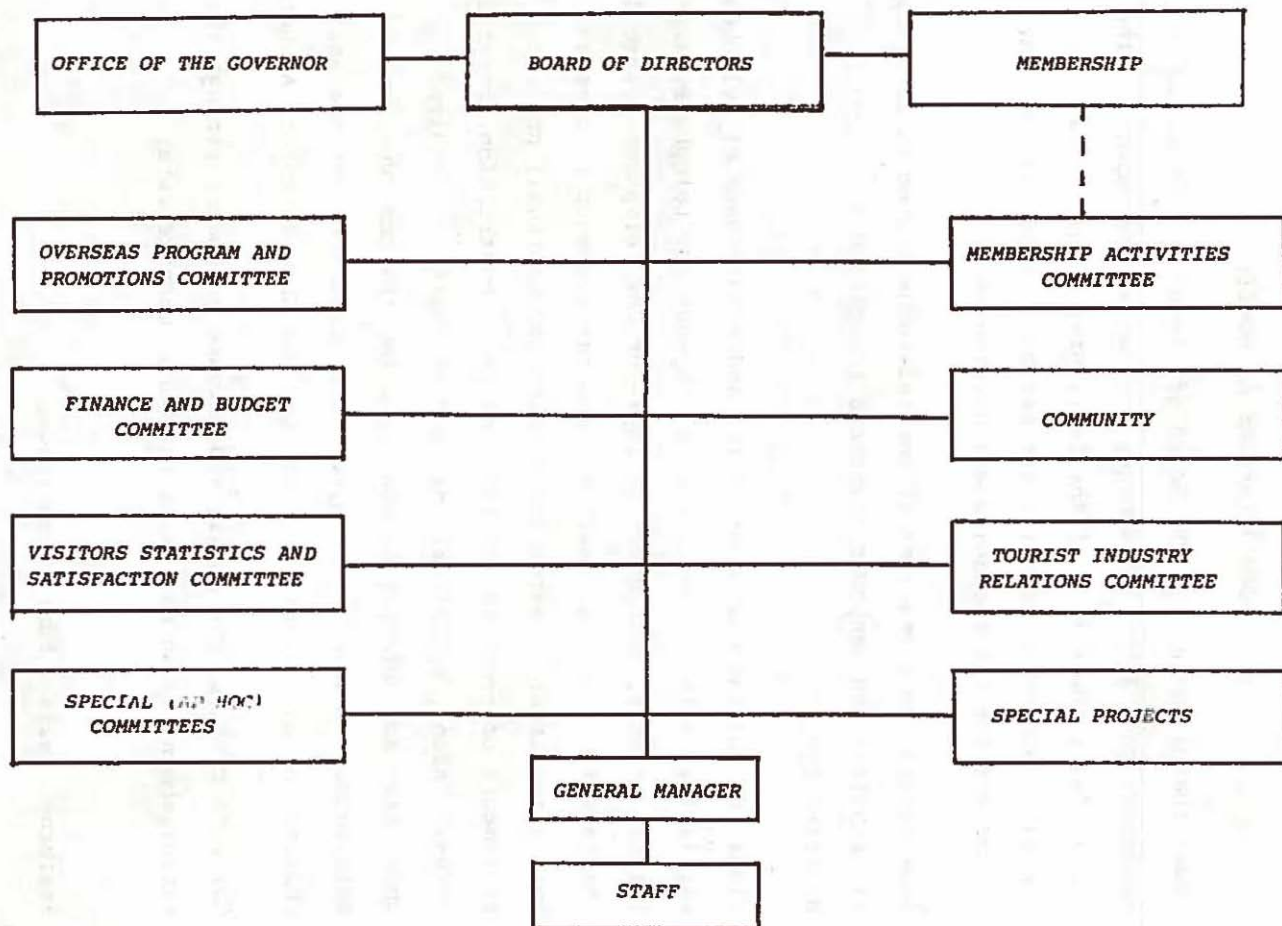
Administers the operations of the telephone system by managing all physical and manpower resources identified for service distribution.

Plans and designs the construction and maintenance of telephone facilities; selects, designates or lay-out the telephone facilities; selects, designates or lays-out the telephone system in the territory; alters, modifies, and revises such systems as may be required; prepares and submits for approval, project statements of proposed construction or reconstruction; prepares surveys, plans, specifications, and estimates as required; undertakes and enters into contracts for the construction and maintenance of telephone projects and negotiates for necessary engineering consultant contracts for the Guam Telephone Authority.

Collects revenue from public and private consumers through the establishment of an equitable telephone service rate.

Statutory Basis: Public Law 12-44,

GUAM VISITOR'S BUREAU

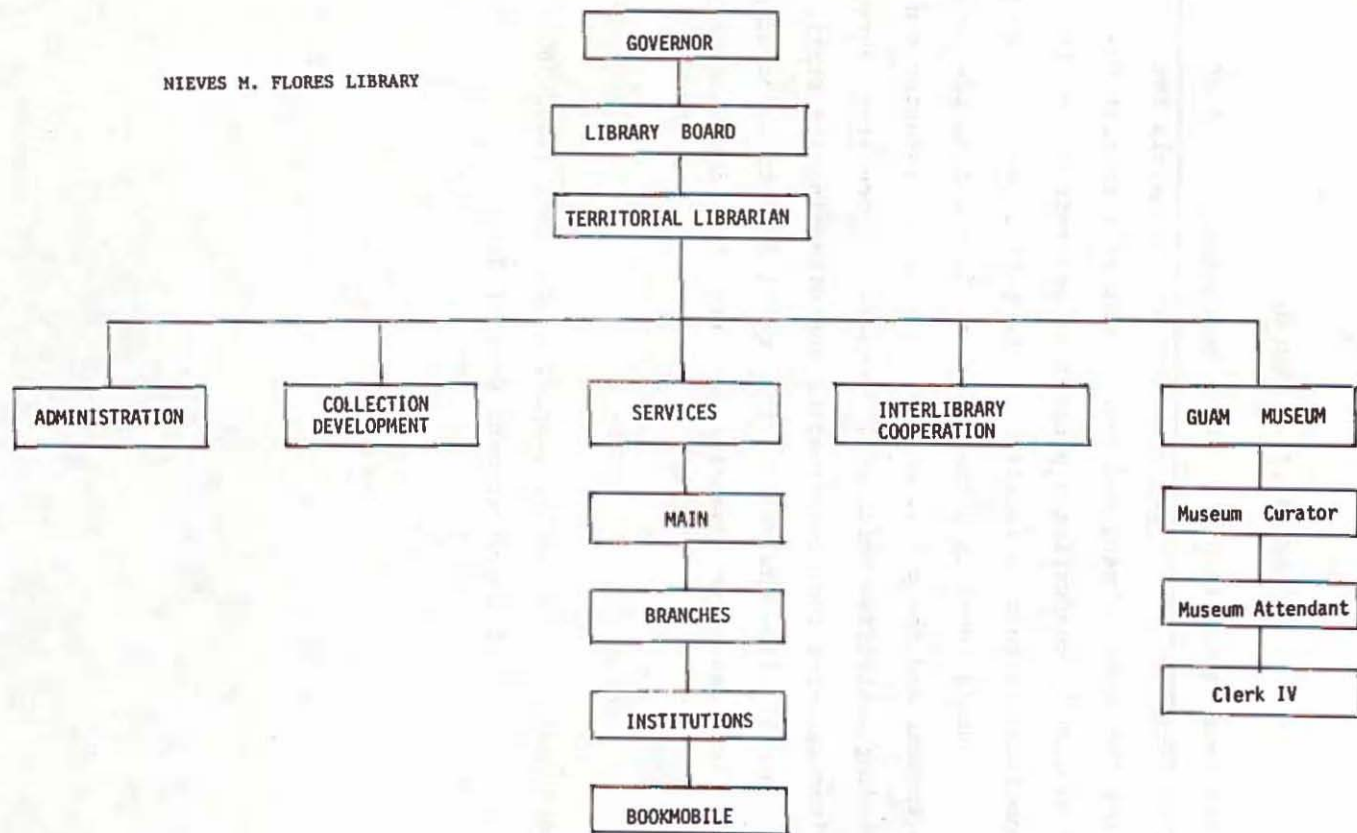


GUAM VISITORS BUREAU

Under the general cognizance of the corporation's Board of Directors, this non-profit organization is responsible for promoting the establishment and development of a tourist industry on Guam by conducting a program of advertising, publicity and promotion designed to familiarize the public and the travel trade with Guam's tourists attractions and facilities; advising the government and the public on the state of the industry and recommending activities which will provide an increasing degree of visitor satisfaction; coordinating and disseminating statistics which will allow analysis of the travel industry; encouraging a tropical image and advancing the traditions and culture of Guam.

Statutory Basis: Title XXXIV, Chapter 1, Sections 38000-38005
of the Government Code of Guam.

NIEVES M. FLORES LIBRARY



LIBRARY AND MUSEUM

Under the general cognizance of the Guam Public Library, this department is responsible for providing printed material and other information resources to the public which enhance the educational and recreational interests of the citizenry. The department provides library services through a central library, four neighborhood libraries, a bookmobile, and extends library services to institutions such as the hospital, juvenile hall, and the penal institution. The department is the official depository and custodian of historical artifacts in Guam which are preserved and displayed.

Statutory Basis: Title XXXVIII, Chapter I, Sections 42000-42019 of the Government Code.

PUBLIC DEFENDER SERVICE CORPORATION

The Public Defender Service Corporation Act of 1975 established "a public corporation created to provide effective legal aid and assistance to those persons on Guam who are unable to afford counsel".

Prior to the passage of this act, the Office of the Public Defender, as it was known then, operated under the Judicare Program division of the Department of Public Health and Social Services. At present, it is an autonomous agency. The PDSC Director is independent of political influence and is chosen by an independent Board of Directors composed of the Presiding Judge of the Superior Court of Guam, an appointee of the Governor, the president of the Guam Bar Association and the chairman of the legislature's Committee on Criminal Justice.

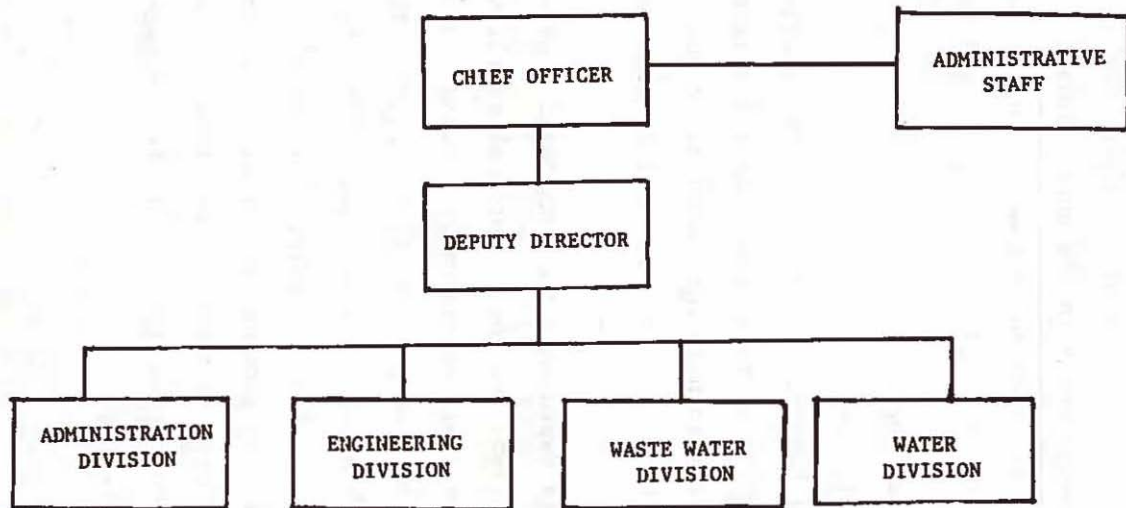
The duties of the Guam PDSC are spelled out by law. In criminal cases, our duty is to defend indigent persons charged with the commitment of either state or federal offenses before the courts of Guam. The determination of whether or not a defendant is "indigent" is up to the discretion of the judge before whom the defendant is appearing. However, the PDSC may assist the judges in ruling on cases of indigency and in establishing criteria for determining when our services are appropriate.

In civil matters, we help those in need of legal assistance and representation who cannot afford an attorney in private practice.

Generally, we do not accept "fee-generating" cases---where the party seeking our aid is doing the suing, and is also seeking financial recovery/remedy in the suit. This is because attorneys in private practice may collect a percentage of the financial recovery/remedy as payment of their legal fees.

It is a policy of the Guam PDSC to provide counsel to any person who is financially unable to obtain adequate representation without substantial hardship to himself or his family. The standard used in determining a prospective client's eligibility is quite flexible. Factors such as the amount of income, bank accounts, ownership of a home, car or other real or personal property, the number of dependents a client has, and the "cost of living" for a client and his dependents are considered. After these considerations are given, and the client's eligibility appears questionable, we apply another test. We have what we call "Refusal Letters" that we give to these clients. They are sent to the Guam Bar Lawyer Referral Service, which refers them to a private attorney. After discussing their problem with that attorney, should the attorney feel that the client is and will be unable to afford his fees, he/she signs the letter, attesting to this fact. The client brings this letter back to the PDSC, and becomes qualified.

PUBLIC UTILITY AGENCY OF GUAM



PUBLIC UTILITY AGENCY OF GUAM

Under the general direction of the Governor of the Territory of Guam, the Board of Directors, and the policies promulgated by this Agency through its programs, manages and administers water resources so as to ensure safe drinking water for the entire community of Guam. The Agency enhances program effectiveness and efficiency by developing and enforcing environmental standards, codes, and regulations. The Agency also formulates and maintains master plans for the development, conservation and for the most beneficial use of all water resources on Guam. It provides facilities for the storage, treatment purification and distribution of water for domestic, commercial and industrial use; provides facilities for community life through a program of useful public works and community developments; establishes a self-sustaining water system independent of the local military water sources; and maintains the chemical, physical and biological integrity of Guam's water while providing adequate wastewater facilities to stimulate housing, trade and industry.

Statutory Basis: Federal Public Laws 92-500 and 93-523; Guam Public Law 1-88; Executive Budget Act, Public Law 12-115 and Executive Order 63-15.

UNIVERSITY OF GUAM

BOARD OF REGENTS

GOV. OF GUAM
STUDENT FINANCIAL
AID PROGRAM

PRESIDENT

CABINET
CHIEF ADMIN.

STAFF COUNCIL

PUBLIC AFFAIRS
ALUMNI, AND
STAFF RELATION

OPERATIONS AND
SUPPORT SERS.

PLANNING AND
DEVELOPMENT

ACADEMIC
AFFAIRS

BUSINESS &
BUDGET MAN-
AGEMENT

PLANT
MANAGEMENT

INSTITUTION
RESEARCH

GRADUATE
SCHOOL &
RESEARCH

COLLEGE OF
AGRICULTURE
& LIFE SCI-
ENCES

ACCOUNTING
& PAYROLL

MAINTENANCE
BUILDINGS &
GROUNDS

PERSONNEL
SERVICES

GRANTS &
LOANS

MARINE
LABORATORY

COLLEGE OF
ARTS & SCI-
ENCES

COLLEGE OF
BUSINESS &
PUBLIC ADM.

PURCHASING
& PROPERTY
CONTROL

AUXILIARY
SERVICES

EXCHANGE
PROGRAM

WATER RESO-
URCES RESE-
ARCH CENTER

COLLEGE OF
EDUCATION

LIBRARY
SERVICES

SECURITY

SPECIAL
PROJECTS

COMPUTER
SERVICES

MICRONESIAN
AREA RESEA-
RCH CENTER

STUDENT
AFFAIRS

RECREATION
& ATHLETICS

GUAM ENERGY
INSTITUTE

UNIVERSITY OF GUAM

The University of Guam, under the direction of the Board of Regents, provides instruction, research, and public services in the fields of the liberal arts and sciences, agriculture, professional education, health sciences, business administration and such other branches of higher learning as the Board of Regents may prescribe.

The University administers, operates, and coordinates the academic programs which include college transfer, general education, vocational technical, semi-professional, and continuing education programs as well as the coordination of student related programs and services.

This institution operate a summer session which gives variety and flexibility to the instructional programs of the University; provides college level instruction to students who wish to obtain it during the summer; accommodates teaching institutes, workshops, and special courses with schedules of varying lengths; sponsors lecture series and other cultural events during the summer; and supervises overseas study tours offered for credit.

Provides key personnel in the government policy-making process with timely research, analysis, and data concerning governmental and related problems to enable them to make informed decisions among alternative courses of action.

Participates in athletic programs, particularly in basketball, football, and baseball; contributes toward the availability of

non-academic cultural, social, recreational, and intellectual programs made available to the students, faculty and community at large; and provides a limited intramural program for a variety of minor sports.

Statutory Basis: Chapter 10, Title 12 of the Government Code of Guam.

BOARDS, COMMISSIONS AND COUNCILS

BANKING BOARD

The Board shall have power to regulate its own procedure and practice; implement by regulation any provision of this Title, and to define any term not defined in this Title; restrict the withdrawal of deposits from all or one or more territorial banks where the Board finds that extraordinary circumstances make such restrictions necessary for the proper protection of depositors to the affected institution; authorize a territorial bank until the close of the next regular session of the Legislature; order the holder of shares in a territorial bank to refrain from voting said shares on any matter if it finds that such order is necessary to protect the institution against reckless, incompetent or careless management, safeguard the funds of depositors, or prevent the wilful violation of this Title or of any lawful rule or order issued thereunder. In such a case the sharees of such holder shall not be counted in determining the existence of a quorum or a percentage of the outstanding shares necessary to take any corporate action.

The Board also has the power to order any person to cease violating a provision of this Title or a lawful regulation issued thereunder or to cease engaging in any unsound banking practice; affirm, modify, reverse or stay the enforcement of any order or ruling of the Commissioner; and establish such rules and regulations as may be necessary for the operation and management of savings banks.

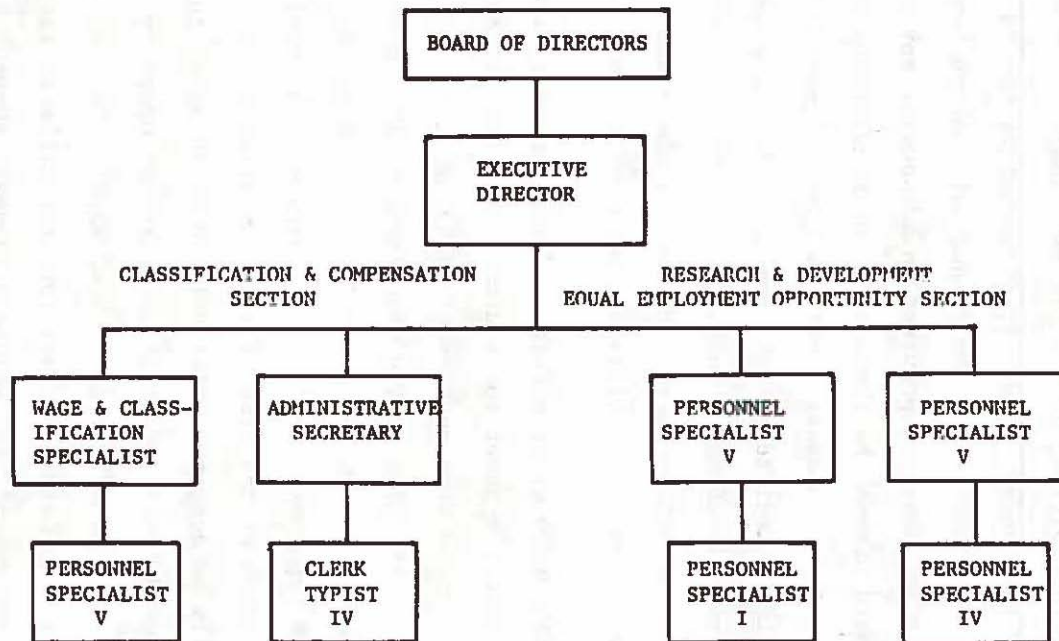
The Board may remove a director, trustee, officer or employee of

a territorial bank who becomes ineligible to hold his position, or who after receipt of any order to cease under the preceding subsection, violate this Title or a lawful regulation or order issued thereunder, or who is dishonest or who is reckless or grossly incompetent in the conduct of banking business. Notice and hearing shall be provided in advance of any action taken by the Board except the formulation of regulations of general application. In cases involving extraordinary circumstances requiring immediate action, the Board may take such action but shall promptly afford a subsequent hearing upon application to rescind the action taken. Members of the Board shall have access to any record of the Division, with reference to banking matters.

In addition to other powers conferred by this Title, the Commission shall have the power to require a bank to: (1) Maintain its accounts in accordance with such regulations as he may prescribe having regard to the size of the organization, (2) Observe methods and standards which he may prescribe for determining the value of various types of assets, (3) Charge off the whole or part of an asset which at the time of the Commissioner's action could not lawfully be acquired, (4) Write down an asset to its market value, (5) Record liens and other interests in property, (6) Obtain insurance against damage to real estate taken as security, (8) Search, or obtain insurance for, the title to real estate taken as security, and (9) Maintain adequate insurance against such other risks as the Commissioner may determine to be necessary and appropriate for the protection of depositors and the public.

Source: Title XXXI of the Government Code of Guam.

CIVIL SERVICE COMMISSION



CIVIL SERVICE COMMISSION

Under the general direction of the Governor of Guam, this department formulates rules and establishes procedures for the creation, identification, and classification of positions within the Government of Guam to assure a uniformed and organized position classification structure and an equitable compensation system in the Government of Guam.

Conducts post audits on personnel actions to determine whether such actions conform with the established rules; and exercises enforcement powers by declaring null and void any personnel action taken by a department that is not in compliance with the personnel rules and regulations.

Researches and develops methods to assure effective management of government personnel; advises and assists agencies in planning, recruiting, utilizing, and developing manpower resources to meet program objectives; conducts studies and recommends improvement in working conditions.

Establishes guidelines for the Equal Employment Opportunity (EEO) Program, including the Women's Program; provides training to government agencies in Affirmative Action, EEO Counseling, EEO Investigation, and the Role of Supervisors and Managers in EEO; conducts compliance review of all departments and agencies with regards to all EEO matters; coordinates the development of Affirmative Action Plans by all departments and agencies.

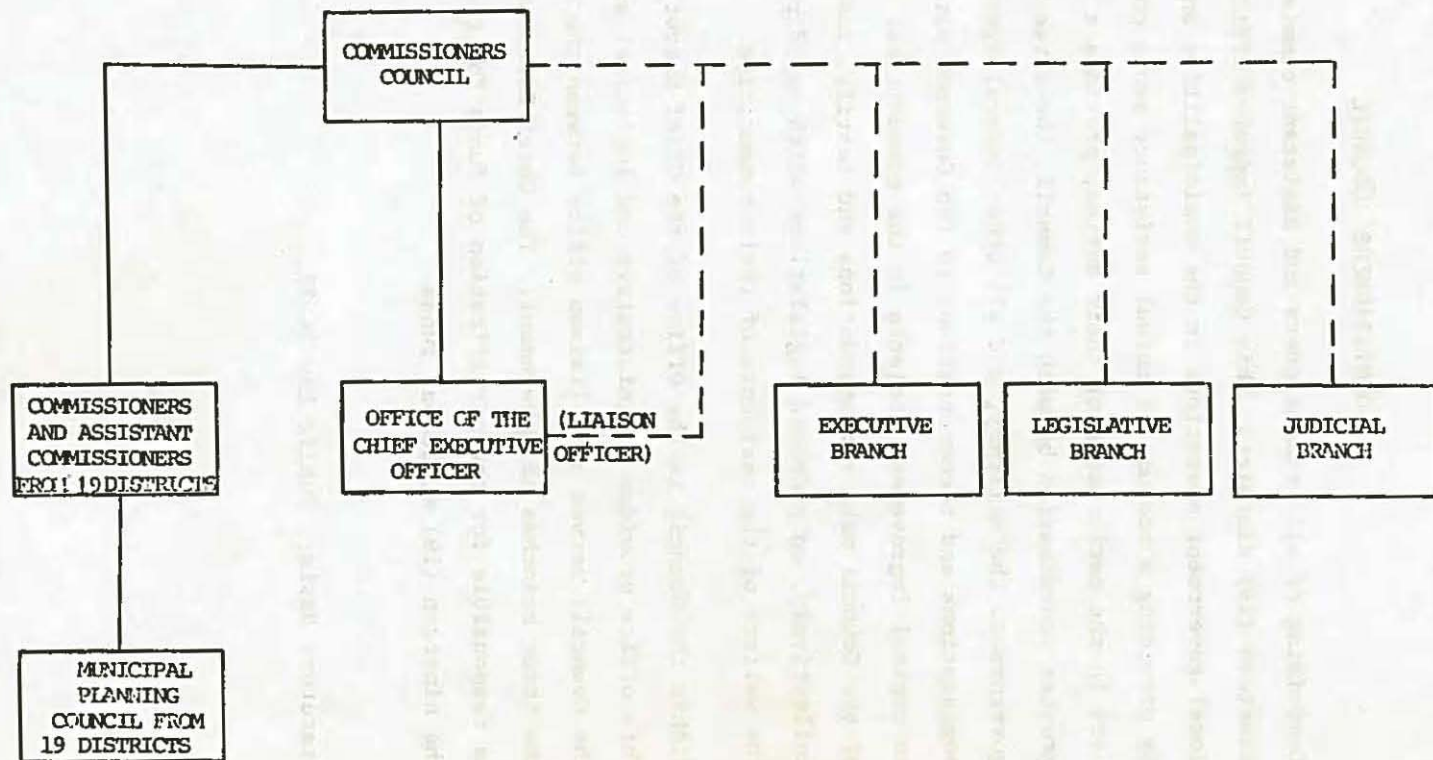
Adopts policies for handling off-island recruitment, and reviews, prior to execution, all off-island employment contracts initiated by the Director of Administration, the Board of Directors of the Guam Telephone Authority, or the Board of Directors of the Guam Power Authority.

Investigates violations of Section 3302, Public Law 12-223 which provides that an employee shall not participate in political management or a political campaign activity.

Develops and adopts policies to provide government employees the opportunity to appeal grievances arising from their employment with the Government of Guam.

Statutory Basis: Public Laws 9-86, 9-249, and 14-46; Executive Order 76-9.

COMMISSIONERS COUNCIL



COMMISSIONERS' COUNCIL

Comprising of all commissioners and assistant commissioners from nineteen (19) districts, this Council improves efficiency in local government operations in the municipalities and villages by providing a medium for mutual assistance among council members in the performance of their duties; provides a medium for greater coordination between the Council, the three branches of government, the military, and all other federal agencies; makes suggestions and recommendations to the Governor with regards to capital improvement projects in the communities. The members of the Council make recommendations and testify, individually and collectively, on proposed legislations which may directly affect the welfare of the residents of their communities.

Within the Council is the Office of the Chief Executive Officer. This office provides administrative and logistical support to the Council; serves as a liaison office between the Council and the three branches of government. The Chief Executive Officer is responsible for the certification of funds for the Council and the nineteen (19) municipal funds.

Statutory Basis: Public Law 14-27.

COMMISSIONERS' COUNCIL
P.O. BOX 786
AGANA, GUAM 96910
TEL. 472-6940/477-8461

PRESIDENT.....Nicolas D. Francisco
VICE-PRESIDENT....Francisco N. Lizama
SECRETARY.....Antonio C. Babauta
TREASURER.....Alfred C. Dungca
SGT. AT ARMS.....Albert T. Topasna

CHIEF EXECUTIVE OFFICER

Enrique S. M. Aflague
Ph. # 472-1269

DEPUTY CHIEF EXECUTIVE OFFICER

Jose E. Santos

COMMISSIONERS & ASSISTANT
COMMISSIONERS

	<u>DISTRICT</u>	<u>OFFICE PHONE</u>
Felix F. Ungacta	Agana	477-8045
Frank M. Portusach	Agana Heights	472-8286
Antonio C. Babauta	Agat	565-2524
Joseph R. Reyes (Assistant)		
Daniel L. Guerrero	Asan-Maina	472-6581
Raymond S. Laguana	Barrigada	734-3737
Jose F. Mendiola (Assistant)		
Vincente S. San Nicolas	Chalan Pago-Ordot	472-8302
Martin C. Benavente	Dededo	632-5203/5313
Patricia S. Quinata (Assistant)		
Jaime D. S. Paulino	Inarajan	828-8312/8177
Nicolas D. Francisco	Mangilao	734-2163
Jose R. Tyquiengco	Merizo	828-8312/8101
Rodney J. Villagomez	Mongmong-Toto-Maite	477-9090
Nieves F. Sablan	Piti	472-1232
Juan N. Perez	Santa Rita	565-2514

COMMISSIONERS & ASSISTANT
COMMISSIONERS

Francisco N. Lizama
Daniel E. Sablan

Vito A. Mantanona

Gregorio A. Calvo
Alfred C. Dungca

Albert T. Topasna

David G. Blas

Vicente C. Bernardo

DISTRICT

Sinajana

Talofofo

Tamuning

Unatac

Yigo

Yona

OFFICE PHONE

472-6707

789-1421

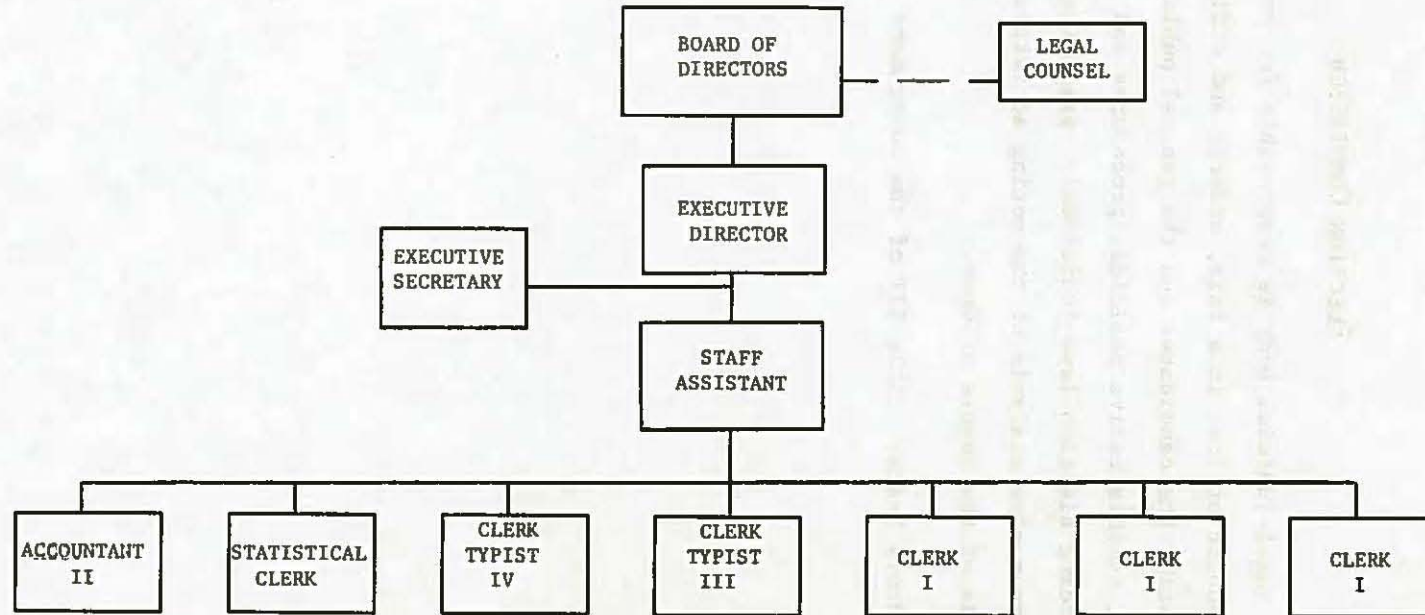
646-8646

828-8258

653-2695

789-1525

GUAM ELECTION COMMISSION



ELECTION COMMISSION

This quasi-judicial body is responsible for conducting elections for public offices in a fair, orderly and efficient manner; educating the candidates and the general public on the election laws, administrative policies, procedures and requirements; enforcing election laws judiciously; preparing and disseminating a comparative analysis of the voting activities and political trends of the people of Guam.

Statutory Basis: Title III of the Government Code of Guam.

GUAM GAMING COMMISSION

The Guam Gaming Commission consists of a Commission of five persons appointed by the Governor, subject to the consent of the Legislature. Their term of appointment is to be five years. The Commissioners shall select from among their members a chairman and a secretary. The Director of Revenue and Taxation shall be ex-officio treasurer and the Attorney General shall be ex-officio counsel. The Commission may employ such staff as it may deem necessary to discharge its responsibilities. These responsibilities include the Lottery, Greyhound Racing, Jai Alai, and the International Air Terminal Gaming Zone.

The powers and duties of this commission is to check the making of pari-mutuel pools and distribution, fix and set dates for racing, make annual public reports to the Governor and the Legislature showing its own action and make rules and regulations for the control, supervision and direction of all applicants, committees and licenses, and for the holding, conducting and operating of all race tracks, race meets and races held in this territory. The basic objective of the Guam Gaming Commission is to regulate and control legalized gambling.

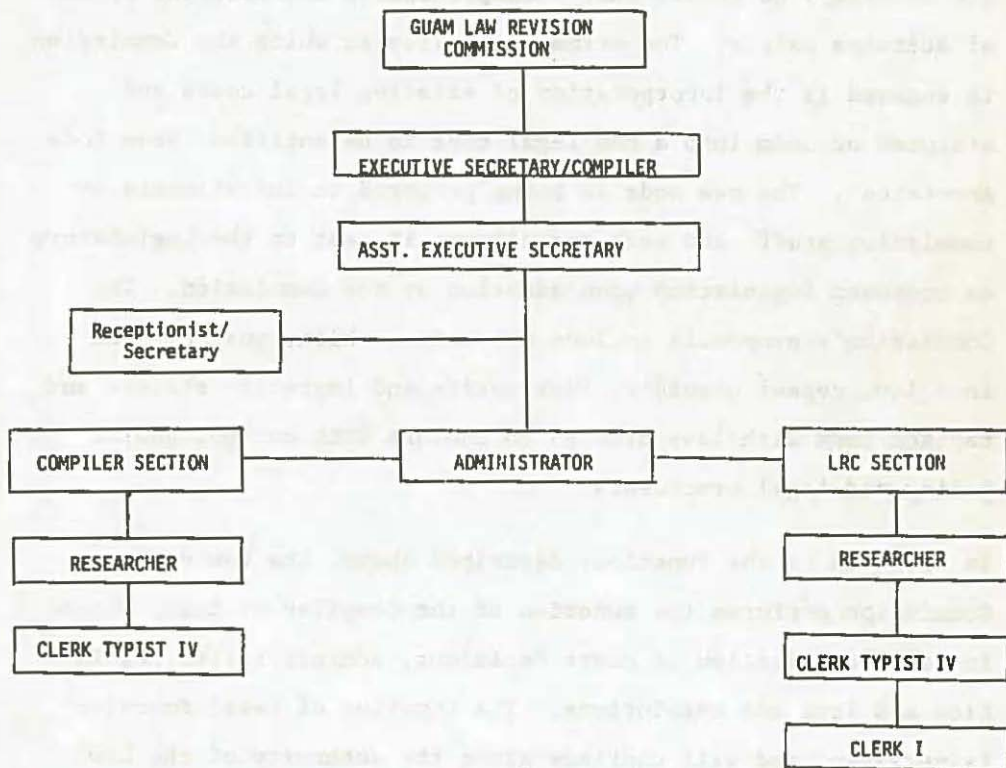
Statutory Basis: Public Law 13-26.

GUAM HEALTH COORDINATING COUNCIL

The Guam Health Coordinating Council is an advisory body of the Guam Health Planning and Development Agency. The Agency provides technical assistance to the Council and the Council provides the public's input to the Agency. Membership of the Council is composed of a cross-section of the community. Presently there are twenty-three (23) members consisting of consumers and providers who meet once a month. Members serve from one to three year terms and are appointed by the Governor without legislative confirmation. They serve without monetary compensation but are reimbursed for travel mileage to and from meetings. Consistent with the mission and goals of the Agency, the Council promote and support efforts toward increasing the availability of health care services. The Council makes comments on applications submitted within the Territory requesting Federal health funds and recommendations on ways to meet the Territory's health needs with the most efficient utilization of existing resources.

Statutory Basis: Public Laws 14-150 and 93-641

Guam Law Revision Commission



GUAM LAW REVISION COMMISSION

The Law Revision Commission is comprised of officials representing the Legislative, Judicial and Executive branches of the government of Guam, and was created for the purpose of reviewing the statutes of the Territory of Guam to determine what revisions are necessary to ensure that a comprehensive and coherent system of statutes exists. The primary activity in which the Commission is engaged is the incorporation of existing legal codes and statutes of Guam into a new legal code to be entitled "Guam Code Annotated". The new code is being prepared in installments by commission staff, and each installment is sent to the Legislature as proposed legislation upon adoption by the Commission. The Commission's proposals include provisions which, when enacted into law, repeal obsolete, ineffective and imprecise statutes and replace them with laws drafted to conform with current public policy and legal precedents.

In addition to the functions described above, the Law Revision Commission performs the function of the Compiler of Laws, which includes publication of court decisions, administrative regulation and laws and resolutions. The Compiler of Laws' function is permanent and will continue after the authority of the Law Revision Commission expires.

GUAM TERRITORIAL SEASHORE PROTECTION COMMISSION

This Commission is created to study the seashore reserve to determine the ecological planning principles and assumptions needed to ensure conservation of its resources. Further, the Commission is to prepare, based upon such study and in full consultation with all affected governmental agencies and departments, private interests and the general public, a comprehensive, coordinated, enforceable plan for the orderly, long-range conservation, management and development of the seashore reserve; ensure that any development which occurs in the seashore reserve during the study and planning period will be consistent with the objectives of this Chapter; and that the Board of Directors, Territorial Seashore Protection Commission is hereby charged with the responsibility of implementing the provisions of this Chapter. The Commission may through coordination and assistance with other government departments and agencies, acquire lands, waters and interests therein with the boundaries of the seashore reserve, by donation, purchase with donated or appropriated funds, by exchange for government land or transfer. All reserve is hereby dedicated for the purpose of this Chapter. With respect to improved residential property acquired for the purposes of this Chapter, which is beneficially owned by a natural person and which the Board determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the coastal reserve,

the owner thereof may on the date of its acquisition by the Commission retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (a) at the death of the owner or his spouse, whichever occurs later, or (b) not more than twenty-five (25) years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Commission shall have paid to such owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. The Board may terminate a right of use and occupancy retained pursuant to this subsection upon a determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Chapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Statutory Basis: Public Law 12-108.

MENTAL HEALTH AND SUBSTANCE ABUSE ADVISORY COUNCIL

The Mental Health and Substance Abuse Advisory Council is established to advise and recommend to the Administrator of the Mental Health and Substance Abuse Agency of the Government of Guam on matters concerning planning, program development, community needs, quality of services and other issues related to the problems, their prevention and solution areas of mental health, alcohol and other drug problems affecting the people of Guam. The Council shall review and commend upon the State Plan(s) and other funding proposals and significant documents. The membership composition of the Council shall be thirteen (13) members in number, out of which seven (7) shall be selected from the consumer group, that is to say that portion of the population of the territory of Guam which are not providers of mental health and/or substance abuse services; six (6) members from among the providers. The Council may create standing committees as it may deem necessary to promote the purposes and carry on the work of the Council. Committee chairpersons and membership shall be appointed by the Council chairperson.

Statutory Basis: Public Law 91-616 and 92-255; Executive Order 78-3.

OFFICE OF THE CHIEF MEDICAL EXAMINER

The Office of the Chief Medical Examiner is operated under the control and supervision of a Commission on Post-Mortem Examinations. this agency investigates the circumstances of deaths and performs autopsies on all human deaths of such natures as violent deaths, sudden deaths, deaths under suspicious circumstances, and when ordered by the Courts or Attorney General.

Maintains a laboratory facility equipped with the medical and scientific equipment necessary for performing autopsies.

Maintains complete records of all investigated cases and autopsies performed.

Statutory Basis: Public Law 11-37.

REAL ESTATE COMMISSION

The Commission may adopt rules and regulations relating to the administration of but not inconsistent with the provisions of this Act. The Commission shall adopt a seal, which may be either an engraved or ink stamp seal, with the words, 'Guam Real Estate Commission, Territory of Guam', and such device as the Commission shall be authenticated. Copies of all records and papers in the office of the Commission, certified by the signature of the chairman and the seal of the Commission, shall be received in evidence in all cases equally and with like effect as the originals. The Attorney General shall render to the Guam Real Estate Commission, opinion on all questions of law relating to the interpretation of this Act or arising in the administration thereof, and shall act as attorney for the Commission in all actions of the provisions of this Act. The Commission may make such recommendations and suggestions of policy to the Commissioner as the Commission deems beneficial and proper for the welfare and progress of the real estate licensees and of the public and of the real estate business in Guam. All records of the Commission shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

TERRITORIAL BOARD OF PUBLIC ACCOUNTANCY

The Board may promulgate and amend rules governing its procedures and for the administration of the Act and, as well, may promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy. At least sixty days prior to the promulgation of any such rule of conduct or amendment, the Board shall mail copies of the proposed rule or amendment to each holder of a permit issued under Section 54007 of this Act with a notice advising him of the proposed effective date of the rule or amendment and requesting that he submits his comments thereon at least fifteen days prior to such effective date; such comments shall be advisory only. Failure to mail such rule, amendment or notice to all permit holders shall not affect the validity of any such rule or amendment. The Director of Revenue and Taxation or his duly authorized deputy, both of whom are hereinafter referred to as the "Director" shall administer the provisions of this Act relating to the actual licensing of accountants, in such duty to use the standards set forth in the Act and by the Board.

Statutory Basis: Public Law 9-114, Public Accountancy Act of 1967.

THE GUAM REPARATIONS COMMISSION

The Reparations Commission is created for the purpose of investigating claims for compensation accruing to the people of Guam during any period of occupation of Guam by an occupying military or any other type of governmental forces. The Commission shall be composed of five (5) members to be appointed by the Governor. The chairperson of the Commission shall be elected by a majority of the Commission members. The term of the Commission members shall be for three (3) years, which shall be the life of the Commission. The Reparations Commission shall investigate the number, type and extend of claims for compensation of the people of Guam against any occupying military or any other type of governmental forces, and the damages resulting to the people of Guam through forced labor, confiscation of property, physical abuse, torture, killings, rapes and other injuries or damages but not limited to the foregoing. The Commission shall determine how such damages should be measured and, where possible, the dollar amount of such damages. The Commission shall investigate the feasibility of obtaining reparations from those governments for injuries and damages as a result of the occupation of Guam. No later than December 31, 1983, the Commission shall prepare, and file with the Guam Legislature, a final report as to the extent and amount of reparations necessary to compensate the people of Guam, for presentation to the President and Congress of the United States, and through these channels, to the nations and international agencies which may be expected to be interested in the issues involved. Interim reports shall likewise be made to the Legislature

detailing, from time to time, the progress of the investigations.

Statutory Basis: Public Law 15-146

THE BUDGET PROCESS

BACKGROUND HISTORY

The budgeting process of the Government of Guam is a long and tedious process involving the formulation of the yearly budget for governmental departments and agencies. It takes into account costs for salaries, contractual obligations, manpower levels, necessary supplies, equipment and other items of expenditures.

Since the passage of Public Law 12-115, frequently cited as "The Executive Budget Act", the following public laws were passed as budget act for the corresponding fiscal years:

Public Law 12- 150 -----Fiscal Year 1975

Public Law 13-37-----Fiscal Year 1976

Public Law 13-149-----Fiscal Year 1977

Public Law 14-43-----Fiscal Year 1978

Public Law 14-132-----Fiscal Year 1979

Public Law 15-66-----Fiscal Year 1980

Public Law 15-142-----Fiscal Year 1981

Public Law 15-66 which proposed a single item of appropriation, represented a considerable breakthrough in the budgeting process in that it provided a considerable degree of flexibility, especially in the areas of federal programs. It was anticipated that this deviation in the budget format would be a welcome change. Several advantages were expected to be realized from

this format:

- (1) Better perception of different programs operated by Government of Guam;
- (2) Clearer identification of the total appropriations for each budgeted program;
- (3) Reduced incidents of supplemental and reappropriation requests;
- (4) Allow administrators to use funds as necessary to fulfill mandated responsibilities with only minimal restrictions; and
- (5) Allow legislators to be more aware of their responsibilities to see that an adequate amount of total dollars are committed to the performance of specific programs.

GOVERNOR'S RESPONSIBILITIES

Public Law 12-115 established responsibilities of the Governor relative to program planning and budgeting as provided in Section 5152 of the Government Code of Guam, which prohibits deficit spending. This section reads in part:

"Section 5152. Responsibilities of the Governor. The Governor shall direct the preparation and administration of the territorial budget. He shall evaluate the long range program plans, requested budgets and alternatives to territorial agency policies and programs; and formulate and recommend for consideration by the Legislature,

a proposed comprehensive program and financial plan which shall cover all estimated receipts and expenditures of the Government of Guam...Proposed expenditures shall not exceed estimated receipts and surpluses."

In compliance with the specific provision of Section 5152, the Governor transmits to the Legislature annually, a financial and program plan for the Government of Guam. This document provides narratives, charts and projections of revenue and expenditure levels. In addition, the Governor establishes priorities in terms of funding programs; defines objectives and goals; identifies the most critical problems confronting the administration; and offers possible solutions to these problems. To assure an adequate funding base to implement programs, the Governor, in his transmittal letter, may identify several alternative solutions such as outright disposition of surplus housing; aggressive deappropriation of unencumbered or uncommitted appropriations; aggressive pursuit of account receivables; implementation of cost reduction and cost containment plans; expeditious reimbursement from federal programs and other alternative fiscal problem solutions.

THE LEGISLATURE BUDGET REVIEW COMMITTEE

Since Public Law 12-115 requires the Governor to formulate a "balanced budget", the Legislature is equally responsible for assuring that estimated revenues are reasonably determined and that proposed expenditure plans are in accordance with program

priorities and other criteria which the Legislature establishes.

The Legislature Budget Review Committee vigorously reviews increases in manpower levels, additional equipment above normal replacement levels, and program expansion proposals. During a budget hearing, a battery of questions would be asked to determine the validity of each departmental request. Requests failing to satisfy the Committee's questions were all too often set aside in favor of more valid requests from other departments.

The Committee's responsibilities extend to responding to increased demands and pressures upon the Government to provide additional and expanded levels of service. In responding to growing demands and the need for services, the Committee does not feel restrained nor does it consider itself compelled to limit its examination and review of the budget proposals by the various departments and agencies. Consequently, in many of the recommendations of the Committee, new levels for funding are set. Primarily, the Committee reviews the Executive budget from the Legislature viewpoint of government's concerns, namely Education, Public Safety, Health, Reformatory Services, Economic Growth and Development, and meeting fixed costs and promoting greater efficiency.

GOVERNMENT OF GUAM BUDGET COMPARISON

(FY 1981 - 1982)

<u>Departments & Agencies</u>	FY 1981 (Authorized)	FY 1982 (Approved)
1. Office of the Governor	\$ 1,281,970	1,347,369
2. Office of the Lieutenant Governor	392,550	307,408
3. Bureau of Budget & Management Research	641,483	612,594
4. Civil Service Commission	281,788	285,902
5. Department of Land Management	983,709	935,711
6. Department of Administration	4,682,952	4,376,107
7. Department of Revenue and Taxation	3,079,902	3,133,559
8. Department of Public Works	11,737,059	10,884,004
9. Department of Law	1,097,312	1,099,838
10. Department of Public Safety	12,337,083	10,969,956
11. Department of Corrections	2,115,822	2,164,743
12. Chief Medical Examiner's Office	135,794	143,315
13. Department of Public Health & Social Services	18,257,487 <u>1/</u>	10,056,732
14. Mental Health & Substance Abuse Agency	633,227 <u>1/</u>	254,643
15. Guam Memorial Hospital Authority	5,758,530	4,603,325
16. Department of Education	51,294,128	46,123,322
17. University of Guam	10,497,667 <u>2/</u>	6,716,619
18. Guam Community College	5,197,268	4,500,394
19. Guam Education Telecommunication Commission	155,774	159,818
20. Guam Visitors Bureau	1,615,803	1,452,906
21. Department of Commerce	1,499,850	1,361,000
22. Department of Agriculture	1,239,049	1,096,904

<u>Departments & Agencies</u>	FY 1981 (Authorized)	FY 1982 (Approved)
23. Bureau of Planning	358,364	347,887
24. Department of Vocational Rehabilitation	1,501,483 <u>1/</u>	558,829
25. Guam Public Library	789,203	722,706
26. Guam Museum	45,264	46,154
27. Department of Parks & Recreation	2,220,545	1,876,870
28. Guam Election Commission	257,773	261,635
29. Commissioner's Council	715,866	857,954
30. Veterans Affairs Office	108,160	90,358
31. Department of Youth Affairs	1,359,571	1,314,905
32. Department of Labor	2,228,641 <u>1/</u>	1,055,991
33. Guam Energy Office	115,495	-0- <u>4/</u>
34. Superior Court of Guam	3,532,596	3,402,900
35. Public Defender Corporation	608,131	641,820
36. Agency for Human Resource and Development	4,075,530 <u>3/</u>	3,729,531 <u>3/</u>
37. Office of Civil Defense	289,339	129,516
38. Criminal Justice Planning Agency	215,199 <u>3/</u>	-0-
39. Guam Environmental Protection Agency	961,617 <u>1/</u>	237,972
40. Guam Public Market	80,000	68,156
41. Guam Health Planning & Development Agency	451,666	225,261 <u>6/</u>
42. Guam Occupational Information Committee	86,813 <u>3/</u>	86,813 <u>3/</u>
43. Guam Power Authority	13,152,000	14,051,000
44. Insular Arts Council	369,940	-0- <u>5/</u>
45. Port Authority	10,500,000	8,600,000
46. Public Utility Commission	287,175	234,000

Departments & AgenciesFY 1981
(Authorized)FY 1982
(Approved)

47. Public Utility Agency of Guam	\$10,500,000 <u>2/</u>	2,176,282
48. Retired Senior Volunteer Program	36,673 <u>1/</u>	18,527
49. Mass Transient Authority	198,473	160,971
50. Guam Board of Nurses Examiners	-0-	18,000
51. Chamorro Language Commission	45,978	41,842
52. Legislative Branch	3,999,000	-0-
53. Government of Guam Retirement Fund	Not Available	3,040,000
54. Guam Airport Authority	Not Available	Not Available
55. Guam Economic Development Authority	Not Available	Not Available
56. Guam Housing Corporation	1,556,600	Not Available
57. Guam Housing & Urban Renewal Authority	Not Available	Not Available
58. Guam Telephone Authority	Not Available	Not Available
59. Department of Military Affair	Not Available	Not Available

F O O T N O T E S

1/ - Included Federal Funds

2/ - Included Federal Funds and generated cash funds

3/ - 100% Appropriated Receipts (Federal Funds)

4/ - Five positions funded under the General Funds are transferred to University of Guam budget under WERI

5/ - Local funds of \$133,762 are included in the amount reflected under the Office of the Governor

6/ - This is the requested amount. GHPDA's budget is for Fiscal Year commencing July 1, 1982.

WHO'S WHO IN GOVERNMENT

KATHERINE BORDALLO AGUON is married to Edward L.G. Aguon and has eight children. Her education consists of an A.A. degree in Elementary Education and B.A. degree in Social Science and English from the University of Guam. She later attended the University of San Francisco earning a M.A. degree in Secondary Education with a minor in Administration. Dr. Aguon earned her Ph.D. from the University of California, Berkeley, in June 1971. Her Doctoral Thesis was titled "The Use of Questions for Inquiry Development with Guided Self-Analysis by Elementary School Teachers on Guam." Dr. Aguon was appointed by the Governor to assume the responsibilities of Director for the Department of Education in 1980. Prior to this appointment, she was a senator in the Fourteenth and Fifteen Guam Legislatures. Other work experience consisted of University of Guam Professor and Director of the Department of Education in 1972-75.

JACK AVERY received his B.A. degree in Psychology from California State University, Los Angeles in 1970. He attended the UCLA School of Law and earned a Juris Doctor degree in December 1973. Mr. Avery was a practicing attorney with a number of law firms on the mainland and on Guam. He was appointed to the position of Assistant Attorney General and in July, 1980 he was appointed to his current position of Attorney General of Guam.

FRANK G. BLAZ is married and has six children. He received a Bachelor of Arts degree with a major in Economics from Saint Vincents College, Latrobe, Pennsylvania in 1960. Mr. Blaz

attended George Washington University, Washington, D.C. and completed one year of post graduate work in Public Administration. Additionally, he has attended several seminars and workshops on Planning and Budgeting between the years of 1966 and 1969. Mr. Blaz has held a number of positions in government before assuming his present position of General Manager of the Guam Power Authority. Included in these positions are Internal Auditor, Department of Finance, 1960-61; Finance Account Clerk, U.S. Army, 1962-63; Budget Examiner, Office of Budget and Management, 1964-70; Deputy Director, Bureau of Budget and Management Research, 1969-70; Manager, GovGuam Federal Credit Union, 1970; Budget Officer and Chief of Administration, Island Court, 1971-73; Chief Administration, Guam Legislature, 1973-75; Director of Administration, 1975-76; Chief Fiscal Officer, Guam Legislature, 1976-78; and Director of Administration, 1979-80.

LOURDES P. CAMACHO is married to former Governor Carlos G. Camacho and they have seven children. She graduated from George Washington High School in 1950 and later attended Mercy College of Detroit where she majored in Medical Laboratory Tech and Biology earning a Bachelor of Science degree. She is currently the Director of the Department of Vocational Rehabilitation.

ROSA ROBERTO CARTER is President of the University of Guam. Her educational background includes a B.S. degree in Elementary Education from Northern State College in South Dakota; a Diploma from Sydney University, Australia for the completion of a sequence of courses in comparative education; a M.A. degree in Guidance/

Counseling from the University of Northern Colorado, Greeley, Colorado; and her Ph.D in Administration/Supervision from Bowling Green State University, Bowling Green, Ohio.

Dr. Carter was employed in a number of education positions before assuming her present duties as President of the University of Guam. These positions include Director of Admissions and Records, University of Guam; Associate Professor, University of Guam; Instructor, College of Guam; Assistant Principal, Department of Education; Elementary School Teacher, Department of Education; and Student Teacher, Department of Education.

JOSEPH B. CEPEDA, Acting General Manager of the Guam Visitors Bureau, graduated from Mar Vista Senior High School, Imperial, California in 1967. His prior work experience includes holding the rank of Sergeant in the U.S. Army; Loan Officer, Guam Savings & Loan Association; Assistant Vice President, American Savings & Loan Association; Credit Analyst, Chase Manhattan Bank; and Manager of Sale, Plaza Insurance Company.

DR. FRANKLIN S. CRUZ is currently the Director of Public Health and Social Services. His educational background consists of B.A. degree in Political Science, College of St. Thomas, St. Paul, Minnesota; Masters in Social Work (MSW), University of Iowa, Iowa City; and Doctor of Education (Ed.D) in Educational Leadership and Administration, Western Michigan University, Kalamazoo, Michigan. Past employment includes U.S. Army veteran; Social Worker and Social Service Supervisor, Department of Health and Social Services; Director of Public Health and Social Services,

1969-74; and Director of Student Financial Assistance and Off-Campus Programs, University of Guam.

MANUEL Q. CRUZ, Director of the Agency for Human Resources Development, is married and has two children. His educational background includes a B.A. degree, St. Joseph's Seminary; M.A. degree, St. Joseph's Seminary; and M.S. degree, Fordham University. His professional work experience consists of Special Assistant for Federal Programs, Governor's Office; Program Analyst, U.S. Department of Energy, Washington, D.C.; Staff Assistant, U.S. Department of Interior, Washington, D.C.; Territorial Intern, U.S. Department of Interior, Washington, D.C.; Deputy Assistant for Manpower, Governor's Office; Deputy Director, Department of Education; Superintendent of Catholic Schools, Diocese of Agana; and part-time instructor for University of Guam and the Academy of Our Lady.

JOSEPH DIEGO is the Director of the Department of Commerce and was appointed to this position in January, 1979. Prior to this appointment, Mr. Diego was President of Guam Airways, Director of the Department of Commerce, and a Personnel Processing Supervisor for the Record Management Division of the Department of Administration. Mr. Diego attended Father Duenas High School and graduated from New London High School, Connecticut. He attended one year of college at the University of Connecticut.

RICARDO C. DUENAS is the Administrator for the Environmental Protection Agency. His past professional experiences include

Assistant Director of Public Health and Social Services; Personnel Director of Guam Memorial Hospital; and various Public Administrative positions in Michigan before coming to Guam. Mr. Duenas attended college in Michigan.

THOMAS DUKE is currently employed as the Executive Director of the Criminal Justice Planning Agency. In 1975-76, Mr. Duke was the Director for the Department of Corrections. Mr. Duke served in the U.S. Marine Corp and retired after 30 years of military service.

DAVID R. FLORES is the Executive Director of the Civil Service Commission and has held this position since 1976. He attended Duenas Memorial High, Tai, Guam and graduated in 1953; University of Michigan, Ann Arbor, Michigan and graduated in 1957 with a B.A. degree in History; and the University of Guam taking graduate coursed in Public Administration, Mr. Flores' past work experience includes Deputy Director of the Civil Service Commission; Wage and Classification Specialist, Civil Service Commission; Project Director, Economic Opportunity Program; Personnel Technician, Department of Labor and Personnel; Organization & Methods Examiner, Bureau of Management Research; Clerk, Commercial Port; and Crypto Operator Specialist for the United States Air Force.

MANUEL F.L. GUERRERO, Executive Manager of Guam Airport Authority, has a 35 year record in government administration. His presidential appointments include Governor of Guam, 1963-69, appointed by J. F. Kennedy and re-appointed by President L. B. Johnson; U.S.

Commission, South Pacific representing the U.S. State Department under the Kennedy and Johnson administration; Secretary of Guam (equivalent to Lt. Governor) and Alternate U.S. Commissioner, 1961-63 appointed by President Kennedy; and Advisor for South Pacific Commission representing the U.S. State Department, 1961. Mr. Guerrero served as the Guam delegate to the South Pacific Conference, Noumea, New Caledonia in 1952. Mr. Guerrero holds three honorary degrees which are LL. D. from West Virginia Institute of Technology, LL. D. from the University of Guam, and Doctor of Humane Letters from the University of Colorado. Mr. Guerrero taught a course in Guam Political History and Government at the University of Guam in 1969-70. Mr. Guerrero has held numerous business and financial administrative positions on Guam. Included in these positions are Economic Consultant to the Guam Economic Development Authority; Chairman of the Board of American Savings and Loan Association of Guam (now member of the Board) responsible for policies and procedures and loan approvals in excess of \$50,000; President and Chief Executive of Seibu Leisure Corp. and Guam Associates, involved in land acquisition, buildings, rentals and leases; President and Chief Executive of Guam Capital Investment Corporation....also acted as consultant in obtaining overseas sources of capital; Vice-President and Comptroller of Guam Commercial Corporation, a wholesale and retail merchandising organization handling multiple lines of clothing, food, liquor, gasoline and oil; and also served as Island Bookkeeper for the Naval Government of Guam in 1938.

JOSE GUITERREZ is the Director of Public Works. He was appointed

to this position by Governor Paul Calvo with the advice and consent of the Legislature in January 1979. Prior to that time, Mr. Guiterrez has had extensive experience in the civil branch. His degree from the Philippines qualified him for work with a private architect on Guam. He was the chief engineer of the Public Utilities Agency prior to his appointment as Director of Public Works.

ATANACIO (TAS) B. GUITERREZ, Director of the Government of Guam Retirement Fund, is married and has six daughters. His education and training consists of B.S. degree in Business Administration from Bowling Green State University, Bowling Green, Ohio; Supervisory Management Seminar, University of Guam; Credit and Financial Analysis, Dun V. Bradstreet, Inc., New York, N.Y.; Management of Public Policy and Programs, Berkeley University, Berkeley, California; Basic Management Techniques, U.S. Civil Service Commission, San Francisco Region (Hawaii); Credit Seminar, First National City Bank, Baguio, P. I.; Credit and Financial Analysis, First National City Bank, Manila, P.I.; and Financial Analysis/Account Manager (Four Month Intensive Course based on Harvard School of Business Curriculum); and several other one-week seminars in Management training. Mr. Gutierrez's work experience includes Director of the Retirement Fund; Manager, Retirement Fund Division, Department of Administration; Manager, First National City Bank of N.Y.; Senior Assistant Manager, First National City Bank of N.Y.; Loan Specialist (Commercial), Small Business Administration; Internal Revenue Agent, Department of Finance; Accountant I, Department of Finance; and Specialist IV

(Communications), U.S. Army.

ARTHUR A. JACKSON, Director of Youth Affairs, is married and has four children. His educational background consists of an Associate of Arts degree, City College of San Francisco; Bachelor of Arts degree in History, University of Guam; Master of Arts degree in Psychology, Counseling & Guidance, University of Northern Colorado, Greeley, Colorado; Doctor of Philosophy, College Student Personnel Work, University of Northern Colorado; and a Masters Program in Progress in Educational Administration, University of Guam. Dr. Jackson has held several positions in the educational system of Guam. He taught in the elementary schools and at the Junior High level. He was Financial Aid Officer, Associate Dean of Students, and Dean of Students at the University of Guam.

TONY JESUS is the Administrator for the Guam Gaming Commission. Past work experiences include Personnel Director for the University of Guam and Managerial Analysis for the Department of Administration.

ROBERT JOHNS is the Housing Manager for Guam Rental Corporation. He is currently attending the University of Guam and will be graduating in May with a Bachelor's degree in Business Administration, specializing in Business Management. Mr. Johns was in the military and worked in the communications field,

ALBERTO A. LAMORENA V is the Gallery Coordinator for the Insular Arts Council. After graduation from John F. Kennedy High School,

Mr. Lamorena attended the University of Guam where he majored in Business Management in the Travel Industry and minored in Political Science. He attended the Brooks Institute, School of Photographic Art in Santa Barbara, California and earned a Bachelor of Arts Degree in Professional Photography. Mr. Lamorena plans to attend the University of Guam in September to pursue further studies toward a MBA in business. Prior to his present position with the Insular Arts Council, Mr. Lamorena was a free lance photographer.

JAY L. LATHER is the Director for the Guam Energy Office. He earned a Bachelor of Arts degree from the University of Guam. He is married and currently living in Mangilao.

DEE DEE LLOYD is Administrator for the Guam Consumer Counsel. She attended the California State University at Fullerton and earned a degree in History. Her past work experience includes three years in the Marine Corp and various jobs in private industry in Southern California.

JOSE S. MANTANONA is the Executive Director for the Guam Occupational Information Committee. Mr. Mantanona's educational background and training includes extensive training in electronic communications equipment as well as attending the Territorial College of Guam and San Diego City College. He spent 20 years in the military where he received numerous commendation and outstanding performance awards. Currently, he is Secretary for the Board of Directors for the Port Authority of Guam. Additionally, he is a member of the Manpower Services Counsel.

JOSE RAMON MARIANO is Director of Public Safety and has worked for this department for the past 26 years. He presently holds the rank of Police Major. His educational background includes graduation from the Federal Bureau of Investigation National Academy (FBI), Washington, D.C. and attending the University of Guam where he majored in Police Science. Mr. Mariano has attended numerous seminars and special training programs in regard to law enforcement and management theories. Prior to joining the police department in 1955, Mr. Mariano served in the United States Air Force and was honorably discharged in 1953.

ANTONIO FLORES MEGOFNA is the Chief Officer for the Public Utility Agency of Guam. He attended the College of Guam, College of San Mateo, and the Academy of Business Institute where he earned an Associate of Arts degree in Business and marketing. Other training acquired by Mr. Megofna includes Labor Management Relations from the U.S. Department of Labor, Management Techniques from the U.S. Civil Service Commission, San Francisco, and the Dale Carnegie management Seminar. Before joining the Public Utility Agency in August, 1971, Mr. Megofna was employed by Sears and Roebuck Company where he was manager of the Hardwares and Electrical Department.

JOSEPH F. MESA is the Executive Director of the Guam Election Commission and was appointed to this position in December, 1978. He graduated from George Washington Senior High School and attended the University of Guam for two years. Mr. Mesa was honorably discharged from the United States Air Force in April 1974. He then joined the Guam Election Commission and has

progressed within the agency from Clerk Typist IV to his present position of Executive Director.

URSULA I. MUNA (IRIS) is the General manager of KGTF-TV and has held this position since 1975. She attended Lakenheath High School in England and graduated in 1967. She has taken numerous courses in regard to oral and written communications as well as management training courses. Mrs. Muna was nominated by the Chamber of Commerce in 1976 for "Outstanding Young Woman of America." She is presently a member of the Guam Women's Club, Guam Press Club, Guam Chamber of Commerce, International Reading Association, Women in Communication, American Women in Radio and Television, and the National Association of Educational Broadcasters. She is married and has three children.

ALFRED B. PANGELINAN is the Director for the Bureau of Budget and Management Research. Mr. Pangelinan was a Merit scholarship recipient and attended the University of Guam where he received a bachelor's degree in business administration majoring in business management and economics. He attended Indiana State University and Indiana Graduate School of Business for one year before being drafted into the U.S. Army. After his term in the Army, he completed his master's degree in business administration at the University of Guam. Mr. Pangelinan has completed 12 credit hours in Doctorate courses at Golden State University, San Francisco, California. He began his professional career as a supervisory trainee at the Bank of America. He has worked as a Organization

and Methods Examiner with the Governor's Office and as Assistant Manager of Guam International Airport. He has held numerous positions with the Bureau of Budget and management Research.

JESUS L. PEREZ is Director of the Guam Economic Development Authority. His educational background was gained at the College of Guam where he graduated in 1965 earning an A.A. and B.S. degree in Business Administration, Accounting, and management. During 1965 through 1967, he took Post-Graduate courses in Real Estate Appraisal, Accounting, Economics, marketing, Finance and Business Law. He then enrolled in a 3-year Senior Top Bank management Course entitled Pacific Coast Banking School at the University of Washington in Seattle in 1978 and completed one year before leaving the employment of the Bank of Guam. Mr Perez' employment data includes self-employed licensed Public Accountant, Bank of America Assistant Cashier-Commercial Lending Officer, and Assistant Vice-President and Manager of the Tamuning Branch of the Bank of Guam. He is a member of the Pacific Jaycees, Guam Jaycees, Boy Scouts Council, Guam Bankers Association, Chamber of Commerce, Governor's Economic Advisory Council, Governor's Task Force for Executive, Legislative and Judiciary Compensation Commission, and Board of Directors of Guam Housing and Urban Renewal Authority.

EDWARD B. PIECZYNSKI is the Administrator for the Guam Memorial Hospital. He attended Duke University, Durham, North Carolina, where he earned a B.A. Degree in Political Science and Economics and a Master's Degree in Health Administration with a major in Finance and a Minor in Manpower. Other educational training consisted of an extensive four month course in financial management

in the Federal government at the Professional Comptroller School, Air University, Maxwell AFB, in Montgomery, Alabama. He began his career in the Medical Administration field as Assistant to the Director of the U.S. Naval Regional Medical Center in Philadelphia, Pennsylvania. Mr. Pieczynski came to Guam to assume the position as Assistant Administrator of the U.S. Naval Regional Medical Center on Guam in July 1980. He left this post to take over as Administrator for the Guam Memorial Hospital.

ANTONIO S. QUITUGUA has been the Director of the Department of Agriculture for the past three years. He spent four years in Agriculture Vocational Education at George Washington High School. Mr. Quitugua has two years of Business Administration with the Territorial College of Guam. He has gained extensive work experience by spending ten years as an Agriculture Extension Agent and five years with the University of Guam Agriculture Department.

CERILA MATHIAS RAPADAS is Administrator for the Guam Health Planning and Development Agency and has served in this capacity since January 1979 to present. Ms. Rapadas attended the College of St. Catherine, St. Paul, Minnesota, earning a B.A. degree in Biology and Chemistry. She pursued her educational goals at Stanford university where she earned a Master's Degree in Biological Sciences. Prior to her appointment as Administrator for Guam Health Planning and Development Agency, she was employed as a Medical Laboratory Supervisor for Guam Memorial Hospital, and Science teacher at the Academy of Our Lady of Guam. Ms. Rapadas is a member of the St. Anthony Church Christian Mothers, Catholic

Daughters of America, Tamuning Municipal Planning Council, Board Member of the Blood Exchange of Guam and in 1979-80 was Secretary for the March of Dimes.

JOHN CAMACHO SALAS is the Provost (President) of Guam Community College. His educational background consists of a Bachelor of Arts Degree in Industrial Arts from the Colorado State College, Greeley, Colorado, a master of Arts Degree in Vocational Education Administration from the University of Connecticut, Storrs, Connecticut, and a Doctor of Philosophy Degree in Technical and Industrial Education from the University of Connecticut, Storrs, Connecticut. Prior to his appointment as Provost of Guam Community College, he held numerous positions in the field of education. Listed among these positions are Dean of Community Career College at the University of Guam, Career Education Specialist at Hamden Public School District in Hamden, Connecticut, Research Associate at the University of Connecticut, and Deputy Director of the Department of Education with the Government of Guam. Dr. Salas is a member of the Phi Delta Kappa Educational Fraternity, American Vocational Education Association, Guam Chamber of Commerce, Lions Club Board of Directors, Rotary Club, Muscular Dystrophy Association, and Sigma Chi National Fraternity Alumni Association.

RICARDO A. SALAS is the Director of the Department of Corrections. He was appointed to this position in 1981 by Governor Paul Calvo. Mr. Salas's background has been in the area of police work. He earned an Associate of Arts degree in Police Science from the

School of Police Administration, Louisville, Kentucky and a Bachelor of Arts degree in Sociology from the University of Guam. Mr. Salas is a graduate of the California Polygraph Institute and an authorized polygraph examiner.

JOE R. SAN AGUSTIN is the Director of the Department of Labor. His educational background consists of a special one-year extensive religious training (novitiate) at St. Lawrence Training School, Milton, Massachusetts, a B.A. degree in Social Philosophy from St. Anthony College, Hudson, New Hampshire, and post graduate studies at Mary Immaculate College, Garrison, New York where he became an ordained minister (priest) in 1962. He served as pastor of various parishes on Saipan and Guam before entering government service. In 1973, he assumed the duties of Administrative Manager for City Realty, Inc., a real estate and property development firm. He was employed with the Guam Power Authority, Director of the Agency for Human Resource Development, and a member of the Transition Committee for Governor Paul Calvo. His past and present affiliations include Guam Jaycees, Insular Arts Council, Guam Realtor Association, Guam Occupational & Information Committee, Chamber of Commerce Committee on Labor, and Guam Employment Council.

JOHN T. SAN AGUSTIN is General Manager of the Guam Telephone Authority. He graduated from McKinnley High School, Honolulu, Hawaii in 1950. He began his career in government work as an Accountant for Public Utility Agency of Guam. In 1958, he left PUAG to accept the controller position at the University of Guam where he was employed for six months. In 1971, he was appointed and confirmed as the Chief Officer (director) of PUAG and served

in this position for three years before accepting the general manager position at Guam Telephone Authority. At the recommendation of President Gerald Ford, Mr. San Agustin became the United States Marshal for the District of Guam. On May 1, 1979, he was reappointed to the position of general manager of the Guam Telephone Authority. He is a member of Federal Accountant Association, Knights of Columbus, Advisory Council of the Guam Medical Hospital, and the Chamorro Golf Club.

FRED CARL SANTOS is the Manager of Guam Public Market. He received his education from the University of Guam where he earned a degree in Business Management. Prior to his position, Mr. Santos was a Staff Assistant with the 14th Guam Legislature and an Administrative Assistant with the Guam Power Authority. Presently, he is a member of the Catholic Diocesan Board of Education and the Manpower Service Council. He is a former member of the Guam Election Commission.

GEORGE A. SANTOS is the Director of the Department of Administration and has held this position since 1980. Mr. Santos is a 1970 graduate of Father Duenas High School and a 1974 graduate of Marquette University with a B.A. degree in Public Administration. He has completed his Masters work except for a thesis at the University of Guam. Prior to his appointment of Director for the Department of Administration, Mr. Santos was the business manager for the University of Guam and previously worked as fiscal analyst for the Committee on Finance and Taxation.

MAGDALENA S. TAITANO is the Territorial Librarian for the Guam

Public Library. She attended Mount Mary College where she earned her B.A. degree and the Texas Woman's University graduating with M.A. degree. Previously, she has been employed at George Washington High School Library, in the Office of Technical Services at the Department of Commerce and the University of Guam Library. Currently, she is a member of Girls Scouts of America, Juvenile Justice Committee, Guam Women's Club, Guam Library Association, American Library Association, Friends of the Library, Guam Territorial Law Library Board of Trustees, and Soroptimist Club of Agana.

RUFO C. TAITANO is the President of Guam Housing Corporation. Past work experience includes an enlistment in the U.S. Army where he was a Communication Center Operator, Loan Officer and Real Estate Appraiser in several local banks, Chief of Real Estate for GHURA, an independent appraiser and negotiator, and a recognized expert witness on real estate appraisals in both Superior Court and District Court of Guam. Mr. Taitano is a Charter member and past president of the Guam Jaycees and has served in local civic and religious community activities.

RAMON T. TOPASNA is Administrative Director for the Public Defender Service Corporation. He has an Associate degree in Criminal Justice from the University of Guam. Other educational experiences include participation in the Junior Executive Training Program (JET), University of Guam, with a Certificate issued, and other top management courses sponsored by Training and Development Division, Department of Administration.

CHARLES H. TROUTMAN is the Executive Secretary for the Law Revision Commission. He is a graduate of the Washington School of Law of the American University. Mr. Troutman also holds a degree of Masters of Comparative Law from Southern Methodist University. He is the son of a missionary father and has lived in Australia, Costa Rica and in various locations on the mainland. He was Assistant Attorney General before assuming his present position.

NORBERT REYES UNPINGCO (BERT) is the Promotions and Special Projects Officer for the Guam visitors Bureau. He attended the University of Alabama and received a B.S. degree in Management and Human Relations. Other educational training includes the Toastmasters Club and the Dale Carnegie course. Professional achievements and concurrent professional positions include Board Member of the Pacific Area Travel Association, Sales Promotion Manager of the Montgomery Advertiser/Journal, Director of Community Relations for the Southern University Press, Member of the Council of Regional Travel Executives, Member of Governor Camacho's Cabinet, Member of Governor Calvo's Cabinet, Board Member of the Guam Press Club, Member of the Guam Review Board for Historic Preservation, Moderator for the "Guam is Fun Show", selected as Mr. Tourism in 1972, and former Managing Director for the Guam Visitors Bureau. Mr. Unpingco has participated in a number of civic fund raising organizations.

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ANTONIO BORJA WON PAT

Guam's Delegate to the U.S. Congress

Born in Sumay, Guam, on December 10, 1908, Mr. Won Pat attended Guam public schools and became a school teacher in 1926. In 1934 he was appointed a principal, a position he held until 1939. From 1940 until the outbreak of World War II he taught at George Washington High School.

He was elected to the Guam Congress in 1936 and re-elected in 1948 as Speaker of the Assembly. It was while in this position that he participated in spearheading and drafting the Organic Act of Guam. Mr. Won Pat served as Speaker of the First, Second, Fourth, Fifth, Sixth and Seventh Guam Legislatures and as Minority Leader in the Third and Eighth Legislatures. On March 15, 1965, Mr. Won Pat was elected Guam's first Washington Representative and was re-elected to a second, four-year term in 1968.

In 1972, Public Law 92-271 authorized the public election of a non-voting Delegate from Guam to the U.S. Congress. Mr. Won Pat won that election by a plurality of 58% of the total votes cast. He won re-election to the 94th Congress on November 5, 1974, both uncontested elections.

He is a member of the House Armed Services Committee, where he serves on the Subcommittees on Military Investigations, Military Installations & Facilities and Military Personnel; and a member of the House Interior & Insular Affairs Committee, where he

serves on the Subcommittees on National Parks & Insular Affairs and Water & Power Resources and Chairman of the Subcommittee on Pacific Affairs.

Mr. Won Pat was the first President of the Guam Junior Chamber of Commerce, Guam Lions Club, and Fraternal Order of Eagles. He is a member of the D.C. Council, Navy League and Air Force Associations; U.S. Capitol Historical Society, Capitol Hill Toastmasters Club, Brotherhood of Elks Club, American Judicature Society of D.C. and Guam Chamber of Commerce; Members of Congress for Peach Through Law, United Democrats of Congress, Democratic Study Group, Congressional Rural Caucus, National Democratic Club, Democratic Caucus, American Academy of Political Science, Guam Territorial Society of D.C., and an honorary member of the Guam Rotary Club.

The Organic Act of Guam & Related Laws

INTRODUCTION TO 1981 EDITION

The Organic Act of Guam and related federal laws provide the framework for the government of Guam. This 1981 Edition is placed as the first part of the volumes containing the Guam Code Annotated.

Included in this publication are related federal laws, such as the Act authorizing the drafting of a Guam Constitution, which affect the structure of our government. So many federal laws apply to Guam that their inclusion would be meaningless considering the purpose of this publication is to present the fundamental laws creating the Territory of Guam and its government. Similarly, while there have been many cases interpreting various aspects of the Organic Act, this publication will include only the most significant ones. A more complete case listing can be found in both the U.S. Code Annotated (48 U.S.C.A.) and the U.S. Code Service (48 U.S.C.S.) and their respective supplements.

Note: In this publication of the Organic Act and Related Federal Laws, the symbols (---) indicate that the matter within the parentheses was included in the Act, itself, by Congress. The symbols [---] indicate that the matter included between the brackets is not a part of the law, itself, but was inserted either by the codifiers of the federal laws (U.S.C.A. or U.S.C.S.) or by myself to indicate an explanation, such as to indicate the Act referred to within the text of the law by another reference, such as by the term "this Act".

CHARLES H. TROUTMAN
Compiler of Laws

PETER F. PEREZ, Jr., Chairman
Guam Law Revision Commission
Senator, Sixteenth Guam Legislature

The Organic Act of Guam & Related Laws

THE ORGANIC ACT OF GUAM

(Act of Aug. 1, 1950, as amended to April 25, 1981
64 Stat. 384 [48 U.S.C. §1421, et seq.])

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§ 2	Name and Territory Encompassed
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\$35	Certain Expenses of Guam's Delegate to Congress
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GENERAL PROVISIONS

§1 Short Title. This Act may be cited as the "Organic Act of Guam".

Legislative History. "This Act" is the Act of August 1, 1950, 64 Stat. 384, codified as 48 U.S.C. §1421-§1425. Because of common usage, and reference in more recent amendatory laws to the original sections of the Organic Act, this publication of the Organic Act will refer to Sections of the original Act, as amended, where such is possible. The U.S.C. citations will be included under "Legislative History".

§2 Name and Territory encompassed. 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.

Legislative History: §2 of Act of Aug. 1, 1950; 48 U.S.C. §1421.

§3 Unincorporated Territory - Government. Guam is hereby 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 Act, 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.[1] 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 Interior.²

The Organic Act of Guam & Related Laws

Legislative History: §3 of Act of Aug. 1, 1950, 48 U.S.C. §1421a; added by Act of Sept. 21, 1959; ²adopted by amendment of Sept. 11, 1968, P.L. 90-497, §12(a), 82 Stat. 847.

Court Decisions:

Since Guam is an unincorporated territory, its government has only those powers conferred upon it by Congress. Rodriguez v Gaylord, [1977 DC Hawaii] 429 F. Supp. 797.

Because the Organic Act did not specifically permit such action, the Guam Legislature could not enact a law which took from the District Court all appellate jurisdiction. Territory of Guam v. Olsen, 451 U.S. 195. (1977).

Because the Organic Act (§22) did not specifically provide for "diversity" jurisdiction in the District Court, no such jurisdiction exists. Chase Manhattan Bank (Nat. Assn.) v. South Acres Dev. Co., [1978 U.S.] 98 S.Ct. 544.

The Organic Act provides for a stricter separation of powers than found in the U.S. Constitution in that this Act specifies that there shall be "three branches" of government. People v. Camacho, Sup.Ct.Guam, Crim. Case #41F-75 (1975). Followed Attorney General of the Territory of Guam v. Superior Court (Flores, Real Party in Interest), D.C.Guam, Civ. Case #79-153 (1980).

Guam has not waived its statutory immunity, granted by §3 of the Organic Act, and so is not liable for damages arising from intentional torts. The statutory limited waiver of immunity (Government Claims Act - §§6500 et seq. of the Government Code) is constitutional. Munoz and Munoz v. Govt. of Guam & Aguon, (1980 CA9) 625 F.2d 257.

§4 Citizenship of Persons living in and born in Guam. (Repealed.)

Legislative History: Repealed by Act of June 27, 1952, c. 477, Title IV, §403(a)(42), 66 Stat. 280. This Section, with changes, was re-enacted as part of the Immigration and Nationality Act of 1952, 8 U.S.C. §1407. Formerly 48 U.S.C. §14211.

§5 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 Organic Act of Guam & Related Laws

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.

(e) No person shall be deprived of life, liberty, or property without due process of law.

(f) Private property shall not be taken for public use without just compensation.

(g) In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

(h) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist in Guam.

(j) No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

(k) No person¹ shall be imprisoned for debt.

(l) The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion or imminent danger thereof, the public safety shall require it.

(m) No qualification with respect to property, income, political opinion, or any other matter apart from citizenship,

The Organic Act of Guam & Related Laws

civil capacity, and residence shall be imposed upon any voter.

(n) No discrimination shall be made in Guam against any person on account of race, language, or religion, nor shall the equal protection of the laws be denied.

(o) No person shall be convicted of treason against the United States unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(p) No public money or property shall ever be appropriated, supplied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.

(q) The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

(r) There shall be compulsory education for all children, between the ages of six and sixteen years.

(s) No religious test shall ever be required as a qualification to any office or public trust under the government of Guam.

(t) No person who advocates, or who aids or belongs to any party, organization, or association which advocates the overthrow by force or violence of the government of Guam or of the United States shall be qualified to hold any public office or trust or profit under the government of Guam.

(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that Territory and shall have the same force and effect there as in the United States or in any State of the United States: article 1, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments.

All laws enacted by Congress with respect to Guam and all laws enacted by the territorial legislature of Guam which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.

The Organic Act of Guam & Related Laws

Legislative History: §5 of Act of Aug. 1, 1950 (Organic Act, as amended), codified as 48 U.S.C. §1421b. Subsection (u) added by Public Law 90-497, §10. 82 Stat. 847 [Elective Governor Act].

Court Decisions:

Local law prohibiting voter who has signed partisan candidate's petition from signing a petition for independent candidate for the same office is not unconstitutional or contrary to this Section. Webster v. Mesa, [1977 CA9] 521 F.2d 442.

Public Law 14-8 and P.L. 15-66:25, giving certain incentives to government of Guam contractors who hire a stated percentage of local workers is contrary to the 14th Amendment of the U.S. Constitution. Hawaiian Dredging & Construction Co. and Black Construction Corp. v. Guam Airport Authority and PT and Tokyu Co., (1980 Superior Ct.) Civ. #815-79.

A person charged with 'drunk driving' has no (U.S. Constitution) 6th Amendment right to counsel at the time of arrest. People v. Eclavea, (1981 Superior Ct.) Crim. #647-80.

EXECUTIVE BRANCH

§6 Governor. 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 candidate receives 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 in January following the date of election.

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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 Act [Organic Act, as amended]. 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 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 the 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 two-thirds vote, revoke such proclamation.

The Governor shall make to the Secretary of the Interior an annual report of the transactions of the government of Guam for transmission to the Congress and 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 Act [Organic Act, as amended] or under the laws of Guam.

Legislative History: Act of Aug. 1, 1950, c. 512, §6, codified as 48 U.S.C. §1422; amended by Public Law 90-497, §1, 82 Stat. 842 (Elective Governor Act).

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Court Decisions:

This Section did not authorize the Governor of Guam to issue an executive order establishing curfew regulations during the aftermath of Typhoon Pamela (1976). Gayle v Government of Guam, [1976 DC Guam] 414 F. Supp. 636.

The Governor of Guam, pursuant to his authority to enforce federal laws applicable to Guam, has the residual authority in the absence of the appropriate federal enforcement office on Guam to deport an alien who has overstayed his permit. Ex parte Rogers, [1952 DC Guam] 104 F. Supp. 393.

Section 6 of the Organic Act does not permit the Legislature to take from the Governor all discretion in appointing members of the Guam Memorial Hospital Board of Trustees and, therefore, P.L. 14-9 is void as contrary to the Organic Act. Bordallo v. Baldwin, (1980 CA9) No. 78-2163. ___ F.2d ___.

§7 Removal of Governor by referendum election. Any Governor of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected vote in favor of a recall and in which those so voting constitute a majority of all those participating in the 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) a petition for such a referendum to the Legislature by registered voters equal the number to at least 50 per centum of the whole number of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.

Legislative History: §7 of the Act of Aug. 1, 1950 (Organic Act), codified as 48 U.S.C. §1422a; amended by Public Law 90-497, §2, 82 Stat. 844 (Elective Governor Act).

§8 Vacancy in office of Governor or Lieutenant Governor; Temporary Disability, or Temporary Absence of Governor.

(a) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(b) 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 a Governor-elect, or for any other reason, the Lieutenant Governor, or Lieutenant

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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) 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) 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) 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) 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 Act [Organic Act, as amended].

Legislative History: §8 of Act of Aug. 1, 1950 (Organic Act), codified as 48 U.S.C. §1422b; amended by Public Law 87-419, §1, 76 Stat. 34 (Mar. 16, 1962); Public Law 90-497, §3, 82 Stat. 844 (Sept. 11, 1968) (Elective Governor Act). For implementation see §§5000, et seq. of the Government Code of Guam.

§9 Specific Powers and Duties of the Governor. (a) The Governor shall, except as otherwise provided in this Act 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.

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(b) All officers shall have such powers and duties as may be conferred or imposed upon them by law or by executive regulation of the Governor not inconsistent with any law.

(c) 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 Act and the laws of Guam.

(d) All persons holding office in Guam on the date of enactment of this Act may, except as otherwise provided in this Act, continue to hold their respective offices until their successors are appointed and qualified.

Legislative History: §9 of Act of Aug. 1, 1950 (Organic Act, as amended), codified as 48 U.S.C. §1422c; amended by Elective Governor Act, Public Law 90-947, §4, 82 Stat. 845.

GOVERNMENT (FEDERAL) COMPTROLLER

§9-A Government Comptroller; Appointment, Duties.

(a) The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for Guam who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of Guam. Effective October 1, 1977, the salary and expenses of the Comptroller's Office shall be paid from funds authorized to be appropriated to the Department of the Interior. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of Guam and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditure of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the govern-

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ment, and expenditure of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of Guam, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial federal revenues which are covered into the treasury of the government of Guam are properly accounted for and audited.

(d) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

(e) If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

(f) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(g) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of Guam and the Secretary of the Interior an annual report of the fiscal condition of the government showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

(h) The government comptroller shall make such other reports as may be required by the Governor of Guam, the Comptroller General of the United States, or the Secretary of the Interior.

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(i) The office and activities of the government comptroller of Guam shall be subject to review by the Comptroller of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives.

(j) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transaction, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment.

Legislative History: Added by Public Law 90-497, (Elective Governor Act), §5, 82 Stat. 845 Sept. 11, 1968; amended by Public Law 95-134, Title II, §203(a), Oct. 15, 1977, 91 Stat. 1161. Codified as 48 U.S.C. §1422d.

THE LEGISLATURE

§10 Legislature of Guam; Unicameral Nature; Powers.

(a) The legislative power and authority of Guam shall be vested in a legislature, consisting of a single house, to be designated the "Legislature of Guam", herein referred to as the legislature.

(b) Size; Election At-large or by Districts; Limitations.

The legislature shall be composed of not to exceed twenty-one members, to be known as senators, elected at large, or elected from legislative districts, or elected in part at large and in part from legislative districts, as the laws of Guam may direct: Provided, That any districting and any apportionment pursuant to this authorization and provided for by the laws of Guam shall not deny to any person in Guam the equal protection of the laws; And provided further, That in any election to the legislature, every elector shall be permitted to vote for the whole number of at-large candidates to be elected, and every elector residing in a legislative district shall be permitted to vote for the whole number of candidates to be elected within that district.

(c) Reapportionment; Federal Census Base.

The laws of Guam shall not alter the manner in which members of the legislature are to be elected as provided in

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subsection (b) of this section more often than at ten-year intervals: Provided, That any districting and related apportionment pursuant to this section shall be based upon the then most recent Federal population census of Guam, and any such districting and apportionment shall be reexamined following each successive Federal population of Guam and shall be modified, if necessary, to be consistent with that census.

(d) Timing of Biennial Elections.

General elections to the legislature shall be held on the Tuesday next after the first Monday in November, biennially in even-numbered years. The legislature in all respects shall be organized and shall sit according to the laws of Guam.

Legislative History: §10 of Act of Aug. 1, 1950 (Organic Act); amended by Public Law 89-552, §1, Sept. 2, 1966, 80 Stat. 375. Codified as 48 U.S.C. §1423. The districting of the Guam Legislature has been implemented by Guam P.L. 13-152.

§11 Scope of Legislative Authority. The legislative power of Guam shall extend to all subjects of legislation of local application not inconsistent with the provisions of this Act and the laws of the United States applicable to Guam. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the government of Guam as may be uniformly provided by the Legislature of Guam, and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the government of Guam: Provided, however, That no public indebtedness of Guam shall be authorized or allowed in excess of 10 percentum of the aggregate tax valuation of the property in Guam. Bonds or other obligations of the government of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Guam within the meaning of this section. All bonds issued by the government of Guam or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of Guam, or by any State or Territory or any political subdivision thereof, or by the District of Columbia. The Secretary of the Interior (hereinafter in this section referred to as "Secretary") is authorized to guarantee for purchase by the Federal Financing Bank bonds or other obligations of the Guam Power Authority maturing on or before December 31, 1978, which shall be issued in order to refinance short-term notes due or existing on June 1, 1976 and other indebtedness not evidenced by bonds or notes in an aggregate amount of not more than \$36 million, and such bank, in addition to its other powers, is

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authorized to purchase, receive or otherwise acquire these same. The interest rate on obligations purchased by the Federal Financing Bank shall be not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 per centum, plus 1 per centum per annum. The Secretary, with the concurrence of the Secretary of the Treasury, may extend the guarantee provision of the previous sentence until December 30, 1980.

The Secretary, upon determining that the Guam Power Authority is unable to refinance on reasonable terms the obligations purchased by the Federal Financing Bank under the fifth sentence of this Section by December 31, 1980, may, with the concurrence of the Secretary of the Treasury, guarantee for purchase by the Federal Financing Bank; and such bank is authorized to purchase, obligations of the Guam Power Authority issued to refinance the principal amount of the obligations guaranteed under the fifth sentence of this Section. The obligations that refinance such principal amount shall mature not later than December 31, 1990, and shall bear interest at a rate determined in accordance with Section 6 of the Federal Financing Bank Act (12 U.S.C. 2285). Should the Guam Power Authority fail to pay in full any installment of interest or principal when due on the bonds or other obligations guaranteed under this Section, the Secretary of the Treasury, upon notice from the Secretary shall deduct and pay to the Federal Financing Bank or the Secretary, according to their respective interests, such unpaid amounts from sums collected and payable pursuant to Section 30 of this Act (48 U.S.C. 1421h). Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the government of Guam which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the United States may have against the government of Guam or the Guam Power Authority pursuant to this guarantee. For the purpose of this Act, under Section 3466 of the Revised Statutes (31 U.S.C. 191) the term 'person' includes the government of Guam and the Guam Power Authority. The Secretary may place such stipulations as he deems appropriate on the bonds or other obligations he guarantees.

Legislative History: §11 of Act of Aug. 1, 1950 (Organic Act); amended by Public Law 94-395, §1, Sept. 3, 1976, 90 Stat. 1199; amended by Public Law 96-205, §303, March 12, 1980. The 1980 amendment changes all after "December 31, 1980" to enable the Secretary to extend the GPA loan guarantee. Codified as 48 U.S.C. §1423a.

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Court Decisions:

Guam's rebate and abatement tax provisions [GEDA law] designed to encourage business and industry by providing various tax assistance favoring qualifying corporations did not violate provisions of this Section requiring that taxes be uniformly applicable. Ramsey v Chaco [1977 CA9] 549 F.2d 1335.

Law of Guam imposing a gross tax upon persons engaged in the business of selling tangible personal property, including that sold in foreign commerce, was invalid as posing a burden on foreign commerce and was also discriminatory. Ambrose, Inc. v Maddox [DC Guam] 203 F. Supp. 934.

Issuance of revenue bonds by Guam Telephone Authority with contingent backing by the government of Guam has contemplated in P.L. 13-110 would constitute "public indebtedness" within the meaning of this Section. Guam Telephone Authority v Rivera [1976 DC Guam] 416 F. Supp. 283.

§12 Selection and Qualification of Members; Officers; Rules; Quorum.

The legislature shall be the judge of the selection and qualification of its own members. It shall choose from its members its own officers, determines its rules and procedure, not inconsistent with this Act [Organic Act], and keep a journal. The quorum of the legislature shall consist of eleven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

Legislative History: §12 of Act of Aug. 1, 1950 (Organic Act); amended by Public Law 90-497, §6(b), Sept. 11, 1968, 82 Stat. 846. (Elective Governor Act). Codified as 48 U.S.C. §1423b

§13 Legislative Immunities. (a) The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the legislature and in going to and returning from the same.

(b) No member of the legislature shall be held to answer before any tribunal other than the legislature itself for any speech or debate in the legislature.

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Legislative History: §13 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. 1423c.

§14 Oaths Required of Government Officials. Every member of the legislature and all officers of the government of Guam shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Legislature (or as an officer of the government of Guam)."

Legislative History: §14 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. §1423d.

§15 Members of the Legislature Restricted in Accepting Appointments.

No member of the Legislature shall, during the term for which he was elected or during the year following the expiration of such term, be appointed to any office which has been created, or the salary or emoluments of which have been increased during such term.

Legislative History: §15 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. §1423e.

§16 Qualifications of Legislators. No person shall sit in the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years and who has not been domiciled in Guam for at least five years immediately preceding the sitting of the legislature in which he seeks to qualify as a member, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights.

Legislative History: §16 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. §1423f.

§17 Vacancies in Legislature. Vacancies occurring in the legislature shall be filled as the legislature shall provide, except that no person filling a vacancy shall hold office longer than for the remainder of the term for which his predecessor was elected.

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Legislative History: §17 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. §1423g.

§18 Legislative Sessions. Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when, in his opinion, the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.

Legislative History: §18 of Act of Aug. 1, 1950 (Organic Act); amended by Public Law 90-497, §6(a), Sept. 11, 1968, 82 Stat. 846 (Elective Governor Act). Codified as 48 U.S.C. §1423h. This Section is implemented by Guam P.L. 13-152:3.

§19 Approval of Bills. Every bill passed by the legislature shall, before it becomes law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If he does not return it within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect. All laws enacted by the legislature shall be reported by the Governor to the head of the department of agency designated by the President under Section 3 of this Act [Organic Act; 48 U.S.C. 1421a]. The Congress of the

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United States reserves the power and authority to annul the same.

Legislative History: §19 of Act of Aug. 1, 1950 (Organic Act); amended by P.L. 90-947, §8(b), Sept. 11, 1968, 82 Stat. 847 (Elective Governor Act); and Public Law 93-608, §1(14), Jan. 2, 1975, 88 Stat. 1969. Codified as 48 U.S.C. §1423i.

Court Decisions:

Under this Section, the Legislature could override items vetoed by the Governor in the same manner as it can override the Governor's general veto. 13th Guam Legislature v. Bordallo [1977 DC Guam] 430 F. Supp. 405. Affirmed, CA 9.

Governor properly exercised his pocket veto by failing to sign a bill delivered to him during a legislative recess where the Legislature was in recess for a period longer than 10 days after it has presented the bill to him, and where the Legislature provided no officer of its own to receive communications from the Governor during this recess. Bordallo v Camacho [1975 CA 9] 520 F.2d 763.

§20 Appropriations. (a) Appropriations, except as otherwise provided in this Act, and except such appropriations as shall be made from time to time by the Congress of the United States, shall be made by the legislature.

(b) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payments of the necessary current expenses of the government and meeting its legal obligations for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be re-appropriated, item by item.

(c) All appropriations made prior to the date of enactment of this Act [Aug. 1, 1950] shall be available to the government of Guam.

Legislative History: §20 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. §1423i.

§21 Right of Petition: The legislature or any person or group of persons in Guam shall have the unrestricted right of petition. It shall be the duty of all officers of the government to receive and without delay to act upon or forward, as the case may require, any such petition.

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Legislative History: §21 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. §1423k.

§21-A Purchases through GSA. The Territorial and local governments (of Guam) are authorized to make purchases through the the General Services Administration.

Legislative History: Contained in annual appropriations to the Department of the Interior, or in Omnibus Territories' Acts, and repeated therein annually.

THE JUDICIARY

§22 Courts of Guam; Jurisdiction; Procedure.

(a) There is created a court of record to be designated the "District Court of Guam", and the judicial authority of Guam shall be vested in the District Court of Guam and in such court or courts as may have been or may hereafter be established by the laws of Guam. The District Court of Guam shall have the jurisdiction of a district court of the United States in all cases arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy, shall have original jurisdiction in all other causes in Guam, jurisdiction over which has not been transferred by the legislature to other court or courts established by it, and shall have such appellate jurisdiction as the legislature may determine. The jurisdiction of and procedure in the courts of Guam other than the District Court of Guam shall be prescribed by the laws of Guam.

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 24(a) [48 U.S.C. 1424(b)] of this Act [Organic Act]. The concurrence of two judges shall be necessary to any decision by the District Court of Guam on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take and prosecute it in accordance with the applicable law or rules of procedure.

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(b) The rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 3072 of Title 28, in civil cases; section 2073 of Title 28, in admiralty cases; sections 3771 and 3772 of Title 18, in criminal cases; and section 53 of Title 11, in bankruptcy cases; shall apply to the District Court of Guam and to appeals therefrom; except that no provisions of any such rules which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, and except further that the terms "attorney for the government" and "United States attorney", as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein.

Legislative History: §22 of Act of Aug. 1, 1950 (Organic Act); amended by Act of Aug. 27, 1954, c. 1017, §1, 68 Stat. 882; Act of June 4, 1958, Public Law 84-444, §§1,2, 72 Stat. 178. Codified as 48 U.S.C. §1424.

Court Decisions:

Guam Legislature had no authority to divest the District Court of Guam of its appellate jurisdiction, which jurisdiction was created under this Section. The Legislature has no power to, in effect, divest the Ninth Circuit of its review of local cases through the District Court's Appellate Division. People v Olsen [1977, US] 431 U.S. 195, 97 S.Ct. 1774.

The District Court of Guam has jurisdiction, by reason of Government Code §19700, to redetermine deficiencies assessed under the income tax laws of the territory of Guam. Forbes v Maddox, [CA 9] 339 F.2d. 387, reversing 212 F. Supp. 662.

Removal by non-resident from the Guam Island Court to the District Court of Guam is a corollary to the existence of diversity jurisdiction in the Guam District Court. Jones & Guerrero, Company v Sealift Pacific [1977, CA 9] 554 F.2d 984.

The District Court of Guam does not possess diversity jurisdiction as Congress has not granted such jurisdiction to the District Court in this Section. This Section grants federal question jurisdiction to the District Court, but does not grant diversity jurisdiction since the cause of action in diversity cases arises under the laws of the state wherein the action originated, rather than under the laws of the United States through the diversity statute of 28 USC §1332. Chase

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Manhattan Bank [National Association] v South Acres Development Company [1978 US] 98 S.Ct. 544.

Since the Court Reorganization Act of 1974 (Guam P.L. 12-85) removed all local, original jurisdiction from the District Court, it cannot later add additional, original, local jurisdiction to that court and, thus, 8 GCA §65.17, as amended by P.L. 15-94:2, which granted certain interlocutory review powers to the "Trial Division" of the District Court was invalid as contrary to Organic Act §22(a). Guam v. Quitugua, (1981 DC Guam App.Div.) D.C. Crim. App. #79-75A.

"The Guam Legislature has the power to determine the appellate jurisdiction of the District Court. Therefore, review from decisions of §65.15(a)-(c) motions should only be by the method prescribed by the Guam Legislature." The Legislature withdrew from the District Court the jurisdiction to hear defendants' interlocutory reviews of §65.15 (a)-(c) motions and gave to the government only the right to appeal pre-trial motions suppressing evidence (P.L. 15-147). People v. District Court of Guam (James, Real Party in Interest), [1981 CA9] No. 80-7352, ___ F.2d ___.

Because Congress has not given specific authority for the Government to appeal criminal actions to the 9th Circuit Court of Appeals, the Government may appeal to the District Court of Guam only, as long as the Government of Guam is authorized to do so by local law. 28 U.S.C. §1291 (1976), while granting to the 9th Circuit Court jurisdiction over "all final decisions of . . . the District Court of Guam . . . except where direct review may be had by the Supreme Court", does not grant to the Government the right to appeal final decisions of the District Court, Appellate Division (reversing a conviction and dismissing an indictment) in a criminal case even though such an appeal would not constitute double jeopardy. People v. Okada, [1981 CA9] No. 80-1233, ___ F.2d ___.

District Court of Guam does have jurisdiction over transitory causes of action arising outside of Guam. Pederson v United States [DC Guam] 191 F. Supp. 95.

Supreme Court of Guam could perform limited non-appellate function of hearing objection to authority of the special prosecutor appointed under the Independent Special Prosecutor Act of 1974 (Public Law 12-173). Sanchez v Supreme Court of Guam [1975 DC Guam] 416 F. Supp. 1.

"In reviewing a decision of a territorial court, we are required to give a high degree of deference to its determination of local law. Specifically, we may not overturn the de-

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cision of the District Court of Guam on a matter of local law, custom, or policy if the decision is based upon a tenable theory and is not inescapably wrong or manifest error. (Citations omitted) If the decision is based upon a tenable theory, we may not reverse even if we disagree with the ruling or believe that the territorial court's conclusion is the least desirable of several possible alternatives. (Citations omitted) Schenck v. Govt. of Guam, (1979 CA9) 609 F.2d 387.

When this Section (§22) was amended in 1958, the Court will not interpret the amendment increasing the civil jurisdiction of the District Court as stripping it of already-existing criminal jurisdiction, especially since there is no stated intent to do such a thing. Therefore, the District Court of Guam has jurisdiction to try federal criminal cases. U.S. v. Santos, (1980 CA9) 623 F.2d 75.

§23 Appeals from District Court. Repealed by Act of Oct. 30, 1951, c. 655, §56(e), 65 Stat. 729. For present provisions on appeals from the District Court of Guam, see 28 U.S.C. §§41, 1252, 1292 and 1294. Formerly codified as 48 U.S.C. §1424a.

§24 District Court Judge; United States Attorney; Marshal; Applicability of laws.

(a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of the Island Court of Guam or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for Guam to whose offices the provisions of

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chapters 35 and 37 of Title 28, United States Code, respectively, shall apply.²

(c) The provisions of chapters 43 and 49 of Title 28, United States Code, shall apply to the District Court of Guam.

Legislative History: ¹§24 of Act of Aug. 1, 1950 (Organic Act); amended by Act of June 4, 1958, Public Law 85-444, §3, 72 Stat. 179.

²See note to 48 U.S.C.S. §1424b regarding applicability of chapters 35 and 37 of Title 28, U.S.C..

Section codified as 48 U.S.C. §1424b.

§24-A Review of Land Claims. (a) Notwithstanding any law or court decisions to the contrary, the District Court of Guam is hereby granted authority and jurisdiction to review claims of persons, their heirs or legatees, from whom interests in land on Guam were acquired other than through judicial condemnation proceedings, in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, by the United States between July 21, 1944 and August 23, 1963, and to award fair compensation in those cases where it is determined that less than fair market value was paid as a result of (1) duress, unfair influence or other unconscionable actions, or (2) unfair, unjust, and inequitable actions of the United States.

(b) Land acquisitions effected through judicial condemnation proceedings in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, shall remain res judicata and shall not be subject to review hereunder.

(c) Fair compensation for purposes of this Act [Act of Oct. 15, 1977, Public Law 95-134, 91 Stat. 1159] is defined as such additional amounts as are necessary to effect payment of fair market value at the time of acquisition, if it is determined that, as a result of duress, unfair influence, or other unconscionable actions, fair market value was not paid.²

(d) The District Court of Guam may employ and utilize the services of such special masters or judges as are necessary to carry out the intent and purposes hereof.

(e) Awards made hereunder shall be judgments against the United States.

(f) Attorney's fees paid by claimants to counsel representing them may not exceed 5 per centum of any additional

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award. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both. A reasonable attorney's fee may be awarded in appropriate cases.

(g) All agencies and departments of the United States Government shall, upon request, deliver to the court any documents, records, and writings which are pertinent to any claim under review.

Legislative History: Added by Act of Oct. 15, 1977, Public Law 95-134, Title II, §204, 91 Stat. 1162. ²Final sentence of subsection (c), prohibiting the payment of interest on the awards, was deleted - thus permitting interest - by P.L. 96-205:301, Act of March 12, 1980. Codified as 48 U.S.C. 1424c.

Court Decisions

Under this Section (§24-A) the District Court of Guam has discretionary authority to grant trial by jury on the issue of just compensation. Franquez v. United States, (1979 CA9) 604 F.2d 1239.

MISCELLANEOUS PROVISIONS

§25 Continuation of Laws in Force. (a) The laws of Guam in force on the date of enactment of this Act [Organic Act], except as amended by this Act, are hereby continued in force, subject to modification or repeal by the Congress of the United States or the Legislature of Guam, and all laws of Guam inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

(b) Study on Applicability of Federal Laws to Guam.
(Repealed)

Legislative History: §25 of Act of Aug. 1, 1950 (Organic Act); amended by Act of Sept. 11, 1968, Public Law 90-497, §7, 82 Stat. 847 (Elective Governor Act). Codified as 48 U.S.C. §1421c.

§26 Salaries and Travel Allowances Payable by Government of Guam.

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments,

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other officers and employees of the government of Guam, and the members of the Legislature, shall be paid by the government of Guam at rates prescribed by the laws of Guam.

Legislative History: §26 of Act of Aug. 1, 1950 (Organic Act); amended Aug. 1, 1956, c.852, §21, 70 Stat. 911; July 30, 1965, Public Law 89-100, 79 Stat. 424; Sept. 11, 1968, Public Law 90-497, §9(a), (b), 82 Stat. 847 (Elective Governor Act). Codified as 48 U.S.C. §1421d.

§27 Customs Treatment by U.S. of Guam Products. All articles coming into the United States from Guam shall be subject to or exempt from duty as provided for in section 1301a of Title 19 [U.S.C.].

Legislative History: §27 of Act of Aug. 1, 1950 (Organic Act); amended Sept. 1, 1954, c. 1213, Title IV, §402(b), 68 Stat. 1140. Codified as 48 U.S.C. §1421e.

§28 Title to Property Transferred. (a) The title to all property, real and personal, owned by the United States and employed by the naval government of Guam in the administration of civil affairs of the inhabitants of Guam, including automotive and other equipment, tools and machinery, water and sewerage facilities, bus lines and other utilities, hospitals, schools, and other buildings, shall be transferred to the government of Guam within ninety days after the date of enactment of this Act [Organic Act].

(b) All other property, real and personal, owned by the United States in Guam, not reserved by the President of the United States within ninety days after the date of enactment of this Act [Organic Act], is hereby placed under the control of the government of Guam, to be administered for the benefit of the people of Guam, and the legislature shall have the authority, subject to such limitations as may be imposed upon its acts by this Act [Organic Act] or subsequent acts of the Congress, to legislate with respect to such property, real and personal, in such manner as it may deem desirable.

(c) All property owned by the United States in Guam, the title to which is not transferred to the government of Guam by subsection (a) hereof, or which is not placed under the control of the government of Guam by subsection (b) hereof, is transferred to the administrative supervision of the Secretary of the Interior, except as the President may from time to time otherwise prescribe: Provided, That the Secretary of the Interior shall be authorized to lease or to sell, on such

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terms as he may deem in the public interest, any property, real and personal, of the United States under his administrative supervision in Guam not needed for public purposes.

Legislative History: §28 of Act of Aug. 1, 1950 (Organic Act); amended by Elective Governor Act, Public Law 90-497 by designating the administrative control of subsection (c) to be in the Secretary of the Interior. Codified as 48 U.S.C. §1421f.

Court Decisions

The Guam Legislature is a part of the 'government of Guam' within the meaning of this Section (48 USCA §1421f) and, as such, may make appropriate lawful conditions, including approval by the Legislature, on the sale, lease or disposition of any lands transferred by the U.S. to Guam. Bordallo v. Camacho, (1973 CA9) 475 F.2d 712.

§29 Education and Hospital Services Provided For.

(a) 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) Education. The Governor shall provide an adequate public educational system of Guam, and to that end shall establish, maintain, and operate public schools at such places in Guam as may be necessary.

Legislative History: §29 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. 1421g.

Court Decisions:

The supervision of all departments of the Government of Guam, including the Department of Education, rests with the Governor of Guam. Therefore, a 1972 collective bargaining agreement exceeds the authority given to the signatories where that agreement requires the prior approval of the union before any changes, or complete termination thereof, may be made after the termination date of the agreement. People v. Guam Federation of Teachers Local 1581, Conrad Stinson, President, et al. [DC Guam App. Div. 1978] Consolidated appeals 122A, 125A.

Because (Organic Act) §29(a) gives supervision over health facilities in Guam to the Governor, the Legislature has no power to enact a law which, by determining that certain

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private groups would chose persons the Governor must appoint to the Hospital Board of Trustees, effectively insulates the Governor from effective control of the Hospital. Bordallo v. Baldwin, [1980 CA9] No. 78-2163, ___ F.2d ____.

§30 Duties and Taxes Covered into Treasury of Guam.

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, 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 in accordance with the annual budgets except that nothing in this Act [Organic Act] shall be construed to apply to any tax imposed by chapter 2 or 21 of the Internal Revenue Code of 1954.¹ ²Beginning 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, that the Governor 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 amount 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).²

Legislative History: §30 of Act of Aug. 1, 1950 (Organic Act); Amended Sept. 13, 1960, Public Law 86-778. Title I, §103(u), 74 Stat. 941 by adding clause beginning "except that nothing. . .".

²Matter following "2" added by Public Law 95-348, Act of Aug. 18, 1978.

Codified as 48 U.S.C. §1421h.

§31 Income Tax Laws in Force. (a) The income tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in

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Guam: Provided, that notwithstanding any other provision of law, the Legislature of Guam may levy a separate tax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the government of Guam.¹

(b) The income tax laws in force in Guam pursuant to subsection (a) of this section shall be deemed to impose a separate Territorial Income Tax, payable to the government of Guam, which tax is designated the "Guam Territorial Income Tax".

(c) The administration and enforcement of the Guam Territorial Income Tax shall be performed by or under the supervision of the Governor. Any function needful to the administration and enforcement of the income tax laws in force in Guam pursuant to subsection (a) of this Section shall be performed by any officer or employee of the government of Guam duly authorized by the Governor (either directly, or indirectly by one or more redelegations of authority) to perform such function.

(d)(1) The income tax laws in force in Guam pursuant to subsection (a) of this section include but are not limited to the following provisions of the Internal Revenue Code of 1954, where not manifestly inapplicable or incompatible with the intent of this section: Subtitle A (not including chapter 2 and section 931); chapters 24 and 25 of subtitle C, with reference to the collection of income tax at source on wages; and all provisions of subtitle F which apply to the income tax, including provisions as to crimes, other offenses and forfeitures contained in chapter 75. For the period after 1950 and prior to the effective date of the repeal of any provision of the Internal Revenue Code of 1939 which corresponds to one or more of those provisions of the Internal Revenue Code of 1954 which are included in the income tax laws in force in Guam pursuant to subsection (a) of this section, such income tax laws include but are not limited to such provisions of the Internal Revenue Code of 1939.

(2) The Governor or his delegate shall have the same administrative and enforcement powers and remedies with regard to the Guam Territorial Income Tax as the secretary of the Treasury, and other United States officials of the executive branch, have with respect to the United States income tax. Needful rules and regulations not inconsistent with the regulations prescribed under section 7645(e) of the Internal Revenue Code of 1954 [26 U.S.C. §7645(e)] for enforcement of the Guam Territorial Income Tax shall be prescribed by the Governor. The Governor or his delegate shall have the authority to issue, from time to time, in whole or in part, the text

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of the income tax laws in force in Guam pursuant to subsection (a) of this section.²

(e) In applying as the Guam Territorial Income Tax the income tax laws in force in Guam pursuant to subsection (a) of this section, except where it is manifestly otherwise required, the applicable provisions of the of 1954 and 1939, shall be read so as to substitute "Guam" for "United States", "Governor or his delegate" for "Secretary or his delegate", "Governor or his delegate" for "Commissioner of Internal Revenue" and "Collector of Internal Revenue", "District Court of Guam" for "district court" and with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this section.

(f) Any act or failure to act with respect to the Guam Territorial Income Tax which constitutes a criminal offense under chapter 75 of subtitle F of the Internal Revenue Code of 1954, or the corresponding provisions of the Internal Revenue Code of 1939, as included in the income tax laws in force in Guam pursuant to subsection (a) of this section, shall be an offense against the Government of Guam and may be prosecuted in the name of the Government of Guam by the appropriate officers thereof.

(g) The Government of Guam shall have a lien with respect to the Guam Territorial Income Tax in the same manner and with the same effect, and subject to the same conditions, as the United States has a lien with respect to the United States Income Tax. Such lien in respect of the Guam Territorial Income Tax shall be enforceable in the name of and by the government of Guam. Where filing of a notice of lien is prescribed by the income tax laws in force in Guam pursuant to subsection (a) of this section, such notice shall be filed in the Office of the Clerk of the District Court of Guam.

(h)(1) Notwithstanding any provision of Section 22 of this Act [section 1424 of Title 48] or any other provisions of law to the contrary, the District Court of Guam shall have exclusive original jurisdiction over all judicial proceedings in Guam, both criminal and civil, regardless of the degree of the offense or of the amount involved, with respect to the Guam Territorial Income Tax.

(2) Suits for the recovery of any Guam Territorial Income Tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, under the income tax laws in force in Guam, pursuant to subsection (a) of this section, may, regardless of the amount of the claim, be

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maintained against the government of Guam subject to the same statutory requirements as are applicable to suits for the recovery of such amounts maintained against the United States in the United States district courts with respect to the United States Income Tax. When any judgment against the government of Guam under this paragraph has become final, the Governor shall order payment of such judgments out of any unencumbered funds in the treasury of Guam.

(3) Execution shall not issue against the Governor or any officer or employee of the Government of Guam on a final judgment in any proceeding against him for any acts or for the recovery of money exacted by or paid to him and subsequently paid into the treasury of Guam, in performing his official duties under the income tax laws in force in Guam pursuant to subsection (a) of this section, if the court certifies that --

(A) probable cause existed; or

(B) such officer or employee acted under the directions of the Governor or his delegate.

When such certificate has been issued, the Governor shall order the payment of such judgment out of any unencumbered funds in the treasury of Guam.

(4) A civil action for the collection of the Guam Territorial Income Tax, together with fines, penalties and forfeitures, or for the recovery of any erroneous refund of such tax, may be brought in the name of and by the government of Guam in the District Court of Guam or in any district court of the United States or in any court having the jurisdiction of a district court of the United States.

(5) The jurisdiction conferred upon the District Court of Guam by this subsection shall not be subject to transfer to any other court by the legislature, notwithstanding section 22(a) of this Act [Organic Act] [48 U.S.C. §1424(a)].

Legislative History: §31, containing only subsection (a), of Act of Aug. 1, 1950 (Organic Act); amended Aug. 20, 1958, Public Law 85-688, §1, 72 Stat. 681 - added subsections (b) - (h); [1] Oct. 15, 1977, Public Law 95-134, Title II, §203(c), 91 Stat. 1162. ²Oct. 31, 1972, Public Law 92-606, §1(d), 86 Stat. 1497. Codified as 48 U.S.C. §1424i.

Note: There are many decisions, both in the District Court and the Ninth Circuit Court of Appeals, dealing with specific sections of the Internal Revenue Code as applied to Guam. These are not annotated here as they do not deal with this Section as an Organic Act section. However, see notes to 48 USC 1421i in USCA and USCS for further information.

Court Decisions:

Section 31 of the Organic Act was enacted by the Congress primarily to relieve the US Treasury of making direct

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appropriation to the government of Guam. Although Congress delegated collection and enforcement function of the income tax to the government of Guam, the government of Guam is powerless to vary the terms of the Internal Revenue Code as applied to Guam, except as permitted by Congress. Bank of America N.T.&S.A. v Chaco [CA9 1976] 539 F.2d 1226.

Guam's rebate an abatement tax provisions (GEDA law) did not violate provisions of this Section since Congress failed to annul the tax rebate provisions within the one-year period and, thus, impliedly approved the same. [That portion of 48 USC §1423i which gave Congressional approval of Guam laws if not annulled by Congress within one year was repealed by the Elective Governor Act (1968).] Ramsey v Chaco [CA9 1977] 549 F.2d 1335.

The District Court of Guam has jurisdiction, by reason of Government Code §19700, to redetermine deficiencies assessed under the income tax laws of the territory of Guam. Forbes v Maddox [CA9] 339 F.2nd. 387, reversing 212 F. Supp. 662.

Rent deducted from (federal) employee's gross salary for quarters owned by the employer (FAA) cannot be excluded from his gross income under 26 U.S.C.A. §119 because housing is not provided in kind, but amounts deducted are actually rent paid by employee. Cox v. Chaco, (1981 CA9) No. 78-2208 ____ F.2d. ____.

§32 Appropriations Authorized. There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions of this Act [Organic Act].

Legislative History: §32 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. §1421j.

§33 Naval and Military Reservations. Nothing contained herein shall be construed as limiting the authority of the President to designate parts of Guam as naval or military reservations, nor to restrict his authority to treat Guam as a closed port with respect to the vessels and aircraft of foreign nations.

Legislative History. §33 of Act of Aug. 1, 1950 (Organic Act). Codified as 48 U.S.C. 1421k.

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§33-A Marihuana prohibited. (Repealed.)

Added by Act of Aug. 1, 1956, c. 852, §15, 70 Stat. 910. Repealed by Act of Oct. 27, 1970, Public Law 91-513, Title III, Part B, §1101(a)(8), 84 Stat. 1292 - Federal Controlled Substances Act. Formerly codified as 48 U.S.C. §1421m.

§34 Effective Date. Upon the 21st day of July 1950, the anniversary of the liberation of the island of Guam by the Armed Forces of the United States in World War II, the authority and powers conferred by this Act [Organic Act] shall come into force. However, the President is authorized, for a period not to exceed one year from the date of enactment of this Act, to continue the administration of Guam in all or in some respects, as provided by law, executive order, or local regulation in force on the date of enactment of this Act. The President may, in his discretion, place in operation all or some of the provisions of this Act if practicable before the expiration of the period of one year.

Legislative History.: §34 of Act of Aug. 1, 1950 (Organic Act). Not codified.

§35 Certain Expenses for Guam's Delegate to Congress.

Notwithstanding any other provision of law, the clerk hire allowance and the transportation expenses subject to reimbursement under Federal law of the Delegate from Guam to the United States House of Representatives shall each be the same as allowed for Members of the United States House of Representatives.

Legislative History: §35 of the Organic Act, as added by Act of May 27, 1975, Public Law 94-26, §1, 89 Stat. 94. Codified as 48 U.S.C. §1421k-1. See also 48 U.S.C. §1715.

§[36] Acknowledgment of Deeds. Deeds and other instruments affecting land situated in the District of Columbia or any Territory of the United States may be acknowledged in the island 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 by 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

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situated, so acknowledged since the 1st day of January, 1905 and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter [June 28, 1906] so acknowledged and certified.

Legislative History: Codified as 48 U.S.C. §1421f-1. Act of June 28, 1908, ch. 3585, 34 Stat. 552. Not in Organic Act.

§[37] Copyrights. The laws of the United States relating to copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in Guam as in the continental United States.

Legislative History: Codified as 48 U.S.C. 1421n. Act of Aug. 1, 1956, c. 852, §24, 70 Stat. 911. However, for present applicability, see new Copyright Act, 17 U.S.C. §101 (Public Law 94-553, 90 Stat. 2541). Not in Organic Act.

§[38] Federal Assistance for Fire Control, Watershed Protection and Reforestation.

The Secretary of Agriculture is authorized to provide financial and technical assistance to Guam for improving fire control, watershed protection and reforestation, consistent with existing laws, administered by the Secretary of Agriculture, which are applicable to the continental United States. The program authorized by this section shall be developed in cooperation with the territorial government of Guam and shall be covered by a memorandum or understanding agreed to by the territorial government and the Department. The Secretary may also utilize the agencies, facilities, and employees of the Department, and may cooperate with other public agencies and with private organizations and individuals in Guam and elsewhere.

Legislative History: Act of Sept. 19, 1974, Public Law 93-421, §1, 88 Stat. 1154. Codified as 48 U.S.C. §1421o. Not in Organic Act.

§[39] Appropriations Authorized. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of section 1421o [§37] of this title [48 U.S.C.]. Sums appropriated in pursuance of sections 1421o [§37] and 1421p [this section] of this title [48 U.S.C.] may be allocated to such agencies of the Department as are concerned with the administration of the program in Guam.

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Legislative History: Added by Public Law 93-421, 52, Sept. 19, 1974, 88 Stat. 1154. Codified as 48 U.S.C. §1421p. Not in Organic Act.

§[40] 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, as approved by the House of Representatives and the Senate, except for Section 228 of Title II and Title XVI of the Social Security Act as it applies to the several states and the Micronesian 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.

Legislative History: Act of April 1, 1976, Public Law 94-255, §2, 90 Stat. 300. Codified as 48 U.S.C. §1421q. Not in Organic Act.

Note: The Sections above enclosed in [--] are Sections added after the original Organic Act was passed, not assigned a Section number in the Organic Act as amended, but which are assigned subsections within Organic Act sections as codified in 48 U.S.C. As these Sections cannot be added conveniently elsewhere, please note that the official citation to these Sections should be the codified reference.

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LAWS NOT THE ORGANIC ACT
APPLICABLE TO THE GOVERNMENTAL
STRUCTURE OF GUAM FOUND IN
48 U.S.C.A.

Note: All Section references hereafter are to the Sections
in 48 U.S.C..

PUBLIC HOUSING AND URBAN RENEWAL

- §1425 Mortgage Insurance on Housing Projects or
Property
- §1425a Local Authorities Permitted
- §1425b Issuance of Notes, Bonds and Obligations
- §1425c Authorization of Loans, etc.
- §1425d Ratification of Prior Act
- §1425e Additional Powers
- §1426 Purchase of Mortgage Loans by FNMA
(Repealed)

§1425 Mortgage Insurance on Housing Projects or
Property.

If the Federal Housing Commissioner finds that, because of higher costs prevailing in Guam, it is not feasible to construct dwellings on property located in Guam without sacrifice of sound standards of construction, design, or livability, within the limitations as to maximum or maxima mortgage amounts provided in chapter 13 of Title 12, the Commissioner may, by regulations or otherwise, prescribe, with respect to dollar amount, a higher maximum or maxima for the principal obligation of mortgages insured under chapter 13 of Title 12 covering property located in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum or maxima otherwise applicable by more than one-third thereof. No mortgage with respect to a project or property in Guam shall be accepted for insurance under chapter 13 of Title 12 unless the Commissioner finds that the project or property is an acceptable risk, giving consideration to the acute housing shortage in Guam: Provided, That any such mortgage may be insured or accepted for insurance without regard to any requirement in any other section of chapter 13 of Title 12 that the Commissioner find the project or property to be economically sound or an acceptable risk. Notwithstanding any of the provisions of chapter 13 of Title 12 or any other law, the government of Guam or any other agency or instrumentality thereof shall be eligible as mortgagor or mortgagee, as the case may be, for any of the

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purposes of mortgage insurance under the provisions of chapter 13 of Title 12. Upon application of the mortgagee (1) where the mortgagor is regulated or restricted pursuant to the last sentence of this Section or (2) where the government of Guam or any agency or instrumentality thereof is the mortgagor or mortgagee, for the insurance of a mortgage under any provisions of chapter 13 of Title 12, the Commissioner is authorized to insure the mortgage (including advances thereon where otherwise authorized), and to make commitments for the insuring of any such mortgage prior to the date of their execution or disbursement thereon, under such provisions (and this section) without any regard to any requirement that the mortgagor shall be the owner and occupant of the property or shall have paid a prescribed amount on account of such property. Without limiting the authority of the Commissioner under any other provision of law, the Commissioner is authorized, with respect to any mortgagor in such case (except where the Alaska Housing Authority is the mortgagor or mortgagee), to require the mortgagor to be regulated or restricted as to rents or sales, charges, capital structure, rate or return, and methods of operation to such an extent and in such manner as the Commissioner determines advisable to provide reasonable rentals and sales prices and a reasonable return on the investment.

Legislative History: Act of June 27, 1934, c.847, §214, as added April 23, 1949, c.89, §2(a), 63 Stat. 57, and amended July 14, 1952, c. 723, §10(a)(3), 66 Stat. 603; June 30, 1953, c. 170, §25(c), 67 Stat. 128. Guam added in 1952. See 12 U.S.C. §1715d.

§1425a Local Authorities Permitted. The Legislature of Guam may by law grant to a public corporate authority, existing or to be created by or under such law, powers to undertake urban renewal and housing activities in Guam. Such legislature may by law provide for the appointment, terms of office, or removal or the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available, and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the territory of Guam for any loan whatever.

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Legislative History: Added by Public Law 88-171, §1, Nov. 4, 1963, 77 Stat. 304.

§1425b Issuance of Notes, Bonds and Obligations. The Legislature of Guam may by law authorize such authority, any provision of the Organic Act of Guam, or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislature may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of Guam other than that such authority, nor constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of money within the meaning or any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to Guam, or to any agency thereof.

Legislative History: Public Law 88-171, §2, Nov. 4, 1963, 77 Stat. 304.

§1425c Authorization of Loans, etc. The Legislature of Guam may by law assist such authority by furnishing, or authorizing the furnishing of, cash donations, loans, conveyances or real and personal property, facilities, and services, and otherwise, and may by law take other action in aid of urban renewal or housing or related activities.

Legislative History: Public Law 88-171, §2, Nov. 4, 1963, 77 Stat. 304.

§1425d Ratification of Prior Act. Each and every part of Public Law 6-135, approved December 18, 1962, heretofore enacted by the Legislature of Guam dealing with any part of the subject matter of sections 1425a-1425e of this Title and not inconsistent therewith is ratified and confirmed.

Legislative History: Public Law 88-171, §4, Nov. 4, 1963, 77 Stat. 304.

§1425e Additional Powers. Powers granted herein shall be in addition to, and not in derogation of, any powers granted by other law to, or for the benefit or assistance of any public corporate authority.

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Legislative History: Public Law 88-171, §5, Nov. 4, 1963, 77 Stat. 304.

§1426 Purchase of Mortgages Loans by FNMA.
Repealed by Act of Aug. 2, 1954, c.649, Title II, §205, 68 Stat. 622.

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GUAM DEVELOPMENT FUND

\$1428	Authorization of Appropriations
\$1428a	Submission of Plan; etc.
\$1428b	Prerequisites for Loans and Loan Guarantees; Maximum Participation in Available Funds; Reserves for Loan Guarantees
\$1428c	Accounting Procedures
\$1428d	Annual Report by Governor
\$1428e	Audit of Guam Administering Agency

\$1428 Authorization of Appropriations. (a) For the purpose of promoting economic development in the territory of Guam, there is hereby authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam for the purposes of sections 1428-1428e of this Title the sum of \$5,000,000.

(b) In addition to the appropriations authorized in subsection (a) of this Section, \$1,000,000 is authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam annually for five fiscal years commencing in fiscal year 1978 to carry out purposes of sections 1428 to 1428e of this title.

Legislative History: Enacted by Public Law 90-601, §2, 82 Stat. 1172, Oct. 17, 1968; amended by Public Law 95-134, Title II, §202, 91 Stat. 1161, Oct. 15, 1977.

\$1428a Submission of Plan; Contents; Term; Interest;
Premium Charge on Loan.

Prior to receiving any funds pursuant to sections 1428 to 1428e of this title the government of Guam shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall designate an agency or agencies of such government as the agency or agencies for the administration of the plan and shall set forth the policies and procedures to be followed in furthering the economic development of Guam through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprises and private industry in Guam through a revolving fund for such purposes: Provided, That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service

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charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield of outstanding marketable obligations of the United States as of the last day of the month preceeding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of Guam; and that premium charges for the insurance and guarantee of loans shall be commensurate, in the judgment of the agency or agencies administering the fund, with expenses and risks covered.

Legislative History: Enacted by Public Law 90-601, §3, 82 Stat. 1172, Oct. 17, 1968.

§1428b Prerequisites for Loans and Loan Guarantees;
Maximum Participation in Available Funds;
Reserves for Loan Guarantees.

No loan or loan guarantee shall be made under Sections 1428 to 1428e of this Title to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under Section 1428 of this Title shall be limited (a) so that not more than 25 per centum of the funds actually appropriated by the Congress may be devoted to any single project (b) to 90 per centum of loan guarantee, and (c) with respect to all loans, to that degree of participation prudent under the circumstances of individual loans but directly related to the minimum essential participation necessary to accomplish the purposes of Sections 1428 through 1428e of this Title: Provided, That with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantees shall not be less than 25 per centum of the guarantee.

Legislative History: Enacted by Public Law 90-601, §4, 82 Stat. 1172, Oct. 17, 1968.

§1428c Accounting Procedures. The plan provided for in Section 1428a of this Title shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

Legislative History: Enacted by Public Law 90-601, §5, 82 Stat. 1172, Oct. 22, 1968.

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§1428d Annual Report by Governor. The Governor of Guam shall make an annual report to the Secretary of the Interior on the administration of Sections 1428 to 1428e of this Title who shall then forward copies of such reports to the Speaker of the House of Representatives and the President of the Senate.

Legislative History: Enacted by Public Law 90-601, §6, 82 Stat. 1173, Oct. 22, 1968.

§1428e Audit of Guam Administering Agency or Agencies. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purposes of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of Guam administering the plan that are pertinent to the funds received under Sections 1428 to 1428e of this Title.

Legislative History: Enacted by Public Law 90-601, §7, 82 Stat. 1173, Oct. 22, 1968.

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SUBMERGED LANDS AND CONCURRENT JURISDICTION

\$1704	Concurrent Jurisdiction; Exceptions
\$1705	Tidelands, etc., Conveyed to Guam
\$1706	Reserved Rights - Establishment of Defensive Sea Areas
\$1707	Payment of Rents to Local Governments
\$1708	Discrimination Prohibited

\$1704 Concurrent Jurisdiction; exceptions.

(a) Except as otherwise provided in this section, the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, shall have concurrent jurisdiction with the United States over parties found, acts performed, and offenses committed on property owned, reserved, or controlled by the United States in Guam, the Virgin Islands, and American Samoa. A judgment of conviction or acquittal on the merits under the laws of Guam, the Virgin Islands, or American Samoa shall be a bar to any prosecution under the criminal laws of the United States for the same act or acts, and a judgment of conviction or acquittal on the merits under the laws of the United States shall be a bar to any prosecution under the laws of Guam, the Virgin Islands, or American Samoa for the same act or acts.

(b) Notwithstanding the provisions of subsection (a) of this section, the President may from time to time exclude from the concurrent jurisdiction of the government of Guam persons found, acts performed, and offenses committed on the property of the United States which is under the control of the Secretary of Defense to such extent and in such circumstances as he finds required in the interest of the national defense.

Legislative History: Enacted by Public Law 88-183, §4, 77 Stat. 339, Nov. 20, 1963.

\$1705 Tidelands, etc. Conveyed to Guam.

(a) Subject to valid existing rights, all right, title, and interest of the United States in lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastlines of the territories of Guam, the Virgin Islands, and American Samoa, as heretofore or hereafter modified by accretion, erosion, and reliction, and in artificially made, filled in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters, are hereby conveyed to the governments of Guam, the Virgin Islands, and

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American Samoa, as the case may be, to be administered in trust for the benefit of the people thereof.

(b) There are excepted from the transfer made by subsection (a) hereof:

(i) all deposits of oil, gas, and other minerals, but the term "minerals" shall not include coral, sand and gravel;

(ii) all submerged lands adjacent to property owned by the United States above the line of mean high tide;

(iii) all submerged lands adjacent to property above the line of mean high tide acquired by the United States by eminent domain proceedings, purchase, exchange, or gift, after October 5, 1974, as required for completion of the Department of the Navy Land Acquisition Project relative to the construction of the Ammunition Pier authorized by the Military Construction Authorization Act, 1971 (64 Stat. 1204), as amended by section 201 of the Military Construction Act, 1973 (86 Stat. 1135);

(iv) all submerged lands filled in, built up, or otherwise reclaimed by the United States before October 5, 1974, for its own use;

(v) all tracts or parcels of submerged land containing on any part thereof any structures or improvements constructed by the United States;

(vi) all submerged lands that have heretofore been determined by the President or by the Congress to be of such scientific, scenic, or historic character as to warrant preservation and administration under the provisions of sections 1 and 2 to 4 of Title 16;

(vii) all submerged lands designated by the President within one hundred and twenty days after October 5, 1974;

(viii) all submerged lands that are within the administrative responsibility of any agency or department of the United States other than the Department of the Interior;

(ix) all submerged lands lawfully acquired by persons other than the United States through purchase, gift, exchange, or otherwise;

(x) [land in the Virgin Islands]; and

(xi) [land in Buck Island Reef National Monument].

Upon request of the Governor of Guam, the Virgin Islands, or American Samoa, the Secretary of the Interior may, with or without reimbursement, and subject to the procedure specified in subsection (c) of this section convey all right, title, and interest of the United States in any of the lands described in clauses (ii), (iii), (iv), (v), (vi), (vii), or (viii) of this subsection to the government of Guam, the Virgin

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Islands, or American Samoa, as the case may be, with the concurrence of the agency having custody thereof.

(c) No conveyance shall be made by the Secretary pursuant to Subsection (a) or (b) of this section until the expiration of sixty calendar days (excluding days on which the House of Representatives or the Senate in not in session because of adjournment of more than three days to a day certain) from the date on which the Secretary of the Interior submits to the Committees of Interior and Insular Affairs of the House of Representatives and the Senate an explanatory statement indicating the tract proposed to be conveyed and the need therefor, unless prior to the expiration of such sixty calendar days both Committees inform the Secretary that they wish to take no action with respect to the proposed conveyance.

(d)(1) The Secretary of the Interior shall, not later than sixty (60) days after the date of enactment of this Subsection, convey to the governments of Guam, the Virgin Islands and American Samoa, as the case may be, all right, title and interest of the United States in deposits of oil, gas and other minerals in the submerged lands conveyed to the government of such territory by Subsection (a) of this Section.

(2) The conveyance of mineral deposits under Paragraph (1) of this Subsection shall be subject to any existing lease, permit or other interest granted by the United States prior to the date of such conveyance. All rentals, royalties or fees which accrue after such date of conveyance in connection with any such lease, permit or other interest shall be payable to the government of the territory to which such mineral deposits are conveyed.

Legislative History: Enacted by Public Law 93-435, §1, 88 Stat. 1210, Oct. 5, 1974. See Proclamation No. 4347, Feb. 1, 1975, 40 F.R. 5129 relative to lands reserved under this Section for the United States by the President. Amended by adding Subsection (d)(1) and (d)(2) in P.L. 96-205:607.

§1706 Reserved Rights - Establishment of Defensive Sea Areas.

(a) Nothing in Sections 1705 to 1708 of this Title shall affect the right of the President to establish naval defensive sea areas and naval defensive airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense.

(b) Nothing in Sections 1705 to 1708 of this Title shall effect the use, development, improvement, or control by or

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under the constitutional authority of the United States of the lands transferred by section 1705 of this Title, and the navigable waters overlying such lands, for the purpose of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power.

(c) The United States retains all of its navigational servitude and rights in and powers of regulation and control of the lands conveyed by Section 1705 of this Title, and the navigable waters overlying such lands, for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically conveyed to the government of Guam, the Virgin Islands, or American Samoa, as the case may be, by Section 1705 of this Title.

(d) Nothing in Sections 1705 to 1708 of this Title shall affect the status of lands beyond the three-mile limit described in Section 1705 of this Title.

Legislative History: Enacted by Public Law 93-435, §2, 88 Stat. 1211, Oct. 5, 1974.

§1707 Payment of Rents, to Local Governments.

On and after October 5, 1974, all rents, royalties, or fees from leases, permits, or use rights, issued prior to October 5, 1974, by the United States with respect to the land conveyed by Sections 1705 to 1708 of this Title, or by Section 1545(b) of this Title, and rights or action for damages for trespass occupancies of such lands shall accrue and belong to the appropriate local government under whose jurisdiction the land is located.

Legislative History: Enacted by Public Law 93-435, §4, 88 Stat. 1212, Oct. 5, 1974.

§1708 Discrimination Prohibited.

No person shall be denied access to, or any of the benefits accruing from, the lands conveyed by Sections 1705 to 1708 of this Title, or by Section 1545(b) of this Title, on the basis of race, religion, creed, color, sex, national origin, or ancestry: Provided, however, That this section shall not be

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DELEGATE TO CONGRESS FROM GUAM

- §1711 Delegate to the House of Representatives
 - §1712 Election of Delegates
 - §1713 Qualifications for Delegate
 - §1714 Territorial Legislature to Determine Election Procedure
 - §1715 Operation of Office; House Privileges; etc.
-

§1711 Delegate to the House of Representatives.

The territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a non-voting Delegate to the House of Representatives, elected as hereinafter provided.

Legislative History: Enacted by Public Law 92-271, §1, 86 Stat. 118, April 10, 1972.

§1712 Election of Delegates.

(a) The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the Office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.

Legislative History: Enacted by Public Law 92-271, §2, 86 Stat. 119, April 10, 1972.

§1713 Qualifications for Delegate.

To be eligible for the Office of Delegate a candidate must:

(a) be at least twenty-five years of age on the date of the election;

(b) have been a citizen of the United States for at least seven years prior to the date of the election;

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(c) be an inhabitant of the territory from which he is elected; and

(d) not be, on the date of the election, a candidate for any other office.

Legislative History: Enacted by Public Law 92-271, §3, 86 Stat. 119, April 10, 1972.

§1714 Territorial Legislature to Determine Election Procedure.

The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the Office of Delegate shall be conducted, the method by which ties between candidates for the Office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the Office of Delegate not otherwise expressly provided for herein.

Legislative History: Enacted by Public Law 92-271, §4, 86 Stat. 119, April 10, 1972.

§1715 Operation of Office; House Privileges; Voting in Committee; Clerk Hire and Transportation Allowance; Salary, etc.

The Delegate from Guam and the Delegate from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from each territory shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to the Resident Commissioner for Puerto Rico: Provided, That the right to vote in committee shall be as provided by the Rules of the House of Representatives: Provided further, That the clerk hire allowance for each Delegate shall be a single per annum gross rate that is 60 per centum of the clerk hire allowance of a Member: Provided further, That the transportation expenses of each delegate that are subject to reimbursement under section 43b of Title 2, shall not exceed the cost of four round trips each year.

Legislative History: Enacted by Public Law 92-271, §5, 86 Stat. 119, April 10, 1972; amended by Section 35 of the Organic Act (see below). §35 of the Organic Act, as added by Act of May 27, 1975, Public Law 94-26, §1, 89 Stat. 94, amends this section. Codified as 48 U.S.C. §1421k-1.

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construed in derogation of any of the provisions of the April 17, 1900 cession of Tutuila and Aunuu or of the July 16, 1904 cession of the Manus Islands, as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929 (46 Stat. 4).

Legislative History: Enacted by Public Law 93-435, 86, 88 Stat. 1212, Oct. 5, 1974.

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FEDERAL POLICY RELATIVE TO GRANTS-IN-AID

LOCAL AND SPECIAL LAWS PROHIBITED

- \$1469a Congressional Declaration of Policy Respecting
"Insular Areas" - Consolidation of Grants and
Waiver of Matching Funds
- \$1469d General Technical Assistance
- \$1471 Local or Special Laws Prohibited

\$1469a Congressional Declaration of Policy Respecting
"Insular Areas"

In order to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, and the Government of the Northern Mariana Islands (hereinafter referred to as "Insular Areas") it is hereby declared to be the policy of Congress notwithstanding any provision of law to the contrary, that:

(a) Any department or agency of the Government of the United States which administers any Act of Congress which specifically provides for making grants to any Insular Area under which payments received may be used by such Insular Area only for certain specified purposes (other than direct payments to classes of individuals) may, acting through appropriate administrative authorities of such department or agency, consolidate any or all grants made to such area for any fiscal year or years.

(b) Any consolidated grant for any Insular Area shall not be less than the sum of all grants which such area would otherwise be entitled to receive for such year.

(c) The funds received under a consolidated grant shall be expended in furtherance of the programs and purposes authorized for any of the grants which are being consolidated, which are authorized under any of the Acts administered by the department or agency making the grant, and which would be applicable to grants for such programs and purposes in the absence of the consolidation, but the Insular Areas shall determine the proportion of of the funds granted which shall be allocated to such programs and purposes.

(d) Each department or agency making grants-in-aid shall, by regulations published in the Federal Register, provide the method by which any Insular Area may submit (i) a single application for a consolidated grant for any fiscal year

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period, but not more than one such application for a consolidated grant shall be required by any department or agency unless notice of such requirement is transmitted to the appropriate committees of the United States Congress together with a complete explanation of the necessity for requiring such additional applications and (ii) a single report to such department or agency with respect to each such consolidated grant: Provided, That nothing in this paragraph shall preclude such department or agency from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated grant. The administering authority of any department or agency, in its discretion, may (i) waive any requirement for matching funds otherwise required by law to be provided by the Insular Area involved and (ii) waive the requirement that any Insular Area submit an application or report in writing with respect to any consolidated grant.

Legislative History: Enacted by Public Law 95-134, Title V, §501, 91 Stat. 1164, Oct. 15, 1977; subsection (a) amended by Public Law 95-348, §9, 92 Stat. 495, August 18, 1978.

§1469d General Technical Assistance.

(a) The Secretary of the Interior is authorized to extend to the governments of American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands, and their agencies and instrumentalities, with or without reimbursement, technical assistance on subjects within the responsibility of the respective territorial governments. Such assistance may be provided by the Secretary of the Interior through members of his staff, reimbursements to other departments or agencies of the Federal Government under the Economy Act (31 U.S.C. 686), grants to or cooperative arrangements with such governments, agreements with the Federal agencies or agencies of State or local governments, or the employment of private individuals, partnerships, or corporations. Technical assistance may include research, planning assistance, studies, and demonstration projects.

(b) (Does not involve Guam.)

(c) The Secretary of Agriculture is authorized to extend, in his discretion, programs administered by the Department of Agriculture to Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands and American Samoa (hereinafter called the territories). Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to waive or modify any statutory requirements relating to the provision of assistance under such

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programs when he deems it necessary in order to adapt the programs to the needs of the respective territory; Provided, That not less than sixty days prior to extending any program pursuant to this section or waiving or modifying any statutory requirement pursuant to this section, the Secretary of Agriculture shall notify the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the proposed action together with an explanation of why his action is necessary and the anticipated benefits to each territory affected. Such programs shall be carried out in cooperation with the respective governments of the territories and shall be covered by a memorandum of understanding between the respective territorial government and the Department of Agriculture. Any sums appropriated pursuant to this paragraph shall be allocated to the agencies of the Department of Agriculture concerned with the administration of programs in the territories.

(d) Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Legislative History: Added by §601 of Act of December 24, 1980, P.L. 96-597 (94 Stat. 3480).

§1492. Energy Resources.

(a) The Congress finds that --

(1) The Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshal Islands and Palau are virtually completely dependent on foreign sources of energy;

(2) the dependence of such areas on imported sources of energy coupled with the increasing cost and the uncertain availability and supply of such sources of energy will continue to frustrate the political, social and economic development of such areas by placing increasingly severe fiscal burdens on the local governments of these areas;

(3) these insular areas are endowed with a variety of renewable sources of energy which, if developed, would alleviate their dependence upon imported sources of energy, relieve the fiscal burden on local governments imposed by the costs of imported fuel, and strengthen the base for political, social and economic development;

(4) appropriate technologies are presently available to develop the renewable energy resources of these insular areas but that comprehensive energy plans have not been

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adequately developed to meet the energy demands of these areas from renewable energy resources.

(b) The Congress declares that it is the policy of the Federal Government to --

(1) develop the renewable energy resources of the Caribbean and Pacific Insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshal Islands, and Palau; and

(2) to assist other insular areas of the Caribbean and Pacific Basin in the development of their renewable energy resources.

(c) The Secretary of Energy or any administrative official who may succeed him shall prepare a comprehensive energy plan with emphasis on indigenous renewable sources of energy for Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshal Islands and Palau. The plan shall be prepared with the approval of the Secretary of the Interior and in cooperation with the chief executive officer of each insular area by --

(1) surveying existing sources of energy;

(2) estimating future energy needs to the 2020, giving due consideration to a range of economic development possibilities;

(3) assessing, in depth, the availability and potential for development of indigenous energy sources, including solar, wind, hydropower, ocean current and tidal, biogas, biofuel, geothermal and ocean thermal energy conversion;

(4) assessing the mix of energy sources (including fossil fuels) and identifying those technologies that are needed to meet the projected demands for energy; and

(5) drafting long-term energy plans for such insular areas with the objective of minimizing their reliance on energy imports and making maximum use of their indigenous energy resources.

(d) The Secretary of Energy or any administrative official who may succeed him, with the approval of the Secretary of the Interior, as part of the comprehensive energy planning may demonstrate those indigenous renewable energy technologies which are determined to be most cost effective through the use of existing programs.

(e) Within two years from the date of enactment of this Act [P.L. 96-597], the Secretary of Energy or any administrative officer who may succeed him shall submit the comprehensive energy plan for each insular area to the Congress.

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(f) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Legislative History: §603 of Act of Dec. 24, 1980, P.L. 96-597 (94 Stat. 3480)

§1471 Local or Special Laws Prohibited.

The legislatures of the Territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following enumerated areas, that is to say:

Granting divorces.

Changing the names of persons or places.

Laying out, opening, altering and working roads or highways.

Vacating roads, town plats, streets, alleys, and public grounds.

Locating or changing county seats. Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes in venue in civil and criminal cases.

Incorporating cities, towns or villages, or changing or amending the charter of any town, city, or village.

For the punishment of any crimes or misdemeanors.

For the assessment and collection of taxes for Territorial, county, township, or road purposes.

Summoning and impaneling grand or petit juries.

Providing for the management of common schools.

Regulating the rate of interest on money.

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purposes.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the Territories of the United States by the Territorial legislatures thereof.

The Organic Act of Guam & Related Laws

Legislative History: Enacted by Act of July 30, 1886, c. 818, §1, 24 Stat. 170. This prohibition, however, is probably not applicable as a specific provision modifying this prohibition is found within the Organic Act, section 15, 48 U.S.C. §1423e.

Court Decisions:

The prohibitions of this Section have no application where specific permission to the contrary is granted by the Organic Act of the Territory. Ponce v Roman Catholic Apostolic Church, 210 US 296, 28 S.Ct. 737.

§562 of this Title [Title 48], concerning Hawaii, supercedes this Section as to Hawaii. Emmoluth v Oahu County, 19 Hawaii 171.

Status of the Virgin Islands as an unincorporated territory has no relevance to the prohibitions contained in this Section against special legislation in territories. The legislative history of this Section shows that Congress recognize that the evils of special legislation, which had been overcome in most of the states of the Union by constitutional prohibitions, had become rampant in the territories. It was to eliminate these evils in the territories that this Section was adopted. Smith v Government of the Virgin Islands [CA3 Virgin Islands], 375 F.2nd. 714, affirming 240 F. Supp. 809 [1967].

The Organic Act of Guam & Related Laws

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
CONSTITUTIONS FOR THE VIRGIN ISLANDS AND GUAM.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the Congress, recognizing the basic democratic principle of government by the consent of the governed, authorizes the peoples of the Virgin Islands and of Guam, respectively, to organize governments pursuant to constitutions of their own adoption as provided in this Act.

§2 (a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

(b) Such constitutions shall --

(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act and Revised Organic Act of the Virgin Islands and the Organic Act of Guam which do not relate to local self-government.

(2) provide for a republican form of government, consisting of three branches: executive, legislative and judicial;

(3) contain a bill of rights;

(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, and the Organic Act of Guam, as amended, respectively, which relate to local self-government;

(5) with reference to Guam, provide that the voting franchise may be vested only in residents of Guam who are citizens of the United States;

(6) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended; and

(7) provide for a system of local courts the provisions of which shall become effective no sooner than upon the enactment of legislation regulating the relationship between the local courts of Guam with the Federal judicial system.

§3 The members of the constitutional conventions shall be chosen as provided by the laws of the Virgin Islands and Guam, respectively (enacted after the date of enactment of this

The Organic Act of Guam & Related Laws

Act): Provided, however, That no person shall be eligible to be a member of the constitutional conventions, unless he is a citizen of the United States and qualified to vote in the Virgin Islands and Guam, respectively.

§4 The conventions shall submit to the Governor of the Virgin Islands a proposed constitution for the Virgin Islands and to the Governor of Guam a proposed constitution for Guam which shall comply with the requirements set forth in §2(b) above. Such constitutions shall be submitted to the President of the United States by the Governors of the Virgin Islands and Guam.

§5 Within sixty calendar days after the respective dates on which he has received each constitution, the President shall transmit such constitution together with his comments to the Congress. The constitution, in each case, shall be deemed to have been approved by the Congress within sixty legislative days (not interrupted by an adjournment sine die of the Congress) after its submission by the President, unless prior to that date the Congress has approved the constitution, or modified or amended it, in whole or in part, by joint resolution. As so approved or modified, the constitutions shall be submitted to the qualified voters of the Virgin Islands and Guam, respectively, for acceptance or rejection through island-wide referendums to be conducted as provided under the laws of the Virgin Islands and Guam, respectively, (enacted after the date of enactment of this Act). Upon approval by not less than a majority of the voters (counting only the affirmative or negative votes) participating in such referendum, the constitutions shall become effective in accordance with their terms.

Legislative History: Public Law 94-584, 94th Congress 90 Stat. 2899. Approved: October 21, 1976. Amended by §501, Act of Dec. 24, 1981, P.L. 96-597 (94 Stat. 3479).

Note: For a complete record of the proceedings of the Constitutional Convention of Guam, and related documents, see Guam Constitutional Convention 1977, available at the Office of Administrative Director, Guam Legislature. The Constitution of Guam submitted to Congress was rejected by the people in a referendum held in August of 1978. No new convention has been called.

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