

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
292-36 (LS)	Telena Cruz Nelson	AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.	4/14/22 8:00 a.m.	4/15/22	Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation	6/16/22 3:00 p.m.	9/16/22 8:30 a.m.	Request: 4/20/22 4/29/22	



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON
EDUCATION,
SELF DETERMINATION
AND HISTORIC
PRESERVATION,
INFRASTRUCTURE,
BORDER SAFETY,
FEDERAL AND
FOREIGN AFFAIRS,
AND
MARITIME
TRANSPORTATION

September 12, 2022

The Honorable Therese M. Terlaje
Speaker
I Mina'trenai Sais na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: **The Honorable Tina Rose Muña Barnes**
Chairperson, Committee on Rules

RE: **Committee Report on Bill No. 292-36 (LS)**

Håfa Ådai Speaker Terlaje,

Transmitted herewith is the Committee Report on **Bill No. 292-36 (LS)** "ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE."

Committee votes are as follows:

<u>2</u>	TO DO PASS
<u> </u>	TO NOT PASS
<u>3</u>	TO REPORT OUT ONLY
<u> </u>	TO ABSTAIN
<u> </u>	TO PLACE IN INACTIVE FILE

Sincerely,

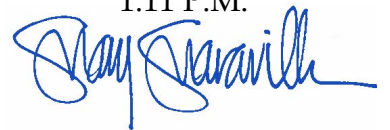

Telena Cruz Nelson

COMMITTEE ON RULES

RECEIVED:

September 12, 2022

1:11 P.M.



Revision Rec'd:

September 15, 2022 @ 4:35 P.M.



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON
EDUCATION,
SELF DETERMINATION
AND HISTORIC
PRESERVATION,
INFRASTRUCTURE,
BORDER SAFETY,
FEDERAL AND
FOREIGN AFFAIRS,
AND
MARITIME
TRANSPORTATION

COMMITTEE REPORT

BILL NO. 292-36 (LS)

“AN ACT TO *AMEND* §73203, §73204,
AND §73205 OF ARTICLE 2, CHAPTER
73, TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO CHARGES FOR
CARRIER OFF-DUTY SERVICES OF
CUSTOMS AND QUARANTINE
OFFICERS AND TO FURTHER
ESTABLISH A CUSTOMS CARRIER
OFF-DUTY SERVICES CUSTOMS
ADMINISTRATIVE PROCESSING FEE.”

Introduced by Senator Telena Cruz Nelson



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON
EDUCATION,
SELF DETERMINATION
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PRESERVATION,
INFRASTRUCTURE,
BORDER SAFETY,
FEDERAL AND
FOREIGN AFFAIRS,
AND
MARITIME
TRANSPORTATION

September 12, 2022

TO: **All Members**
Committee on Education, Self-Determination and Historic Preservation,
Infrastructure, Border Safety, Federal and Foreign Affairs, and
Maritime Transportation

FROM: **Senator Telena Cruz Nelson**
Committee Chairperson

RE: **Committee Report on Public Hearing on Bill No. 292-36 (LS)**

Håfa Ådai Chairperson Muña Barnes,

Transmitted herewith for your consideration is the Committee Report on Bill No. 292-36 (LS) – “AN ACT TO *AMEND* §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.”

This report contains the following:

- Copy of COR Referral of Bill No. 292-36 (LS)
- Notice of Public Hearing & other correspondences
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of submitted testimonies and supporting documents
- Committee Report Digest
- Copy of Bill No. 292-36 (LS)
- Copy of Fiscal Note for Bill No. 292-36 (LS)
- Committee Vote Sheet

Sincerely,


Telena Cruz Nelson



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÅTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

April 15, 2022

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Legal Bureau

From: **Vice Speaker Tina Rose Muña Barnes**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 292-36 (LS)**

Håfa Adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 292-36 (LS) – Telena Cruz Nelson – “AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.”

Please ensure that the subject bill is referred to the **Committee on Education, Self-Determination, and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation, chaired by Senator Telena Cruz Nelson.**

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules





Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

10 messages

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Thu, Jun 9, 2022 at 10:00 AM

To: phnotice@guamlegislature.org

Cc: Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue <sgtarms@guamlegislature.org>

Bcc: Ignacio Peredo <ike.peredo@cqa.guam.gov>, Vince Perez-Customs <vincent.perez@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, John Quinata <john.quinata@guamairport.net>, "Artemio Ricky Hernandez, PhD" <ahernandez@guamairport.net>, Austin Grant <austin.grant@guamairport.net>, Rory Respicio <rjrespicio@portofguam.com>, "Leevin T. Camacho" <lcamacho@oagguam.org>, "Stephanie E. Mendiola" <generalcounsel@oagguam.org>, Vince Naputi <vince.naputi@guamairport.net>, jsmendiola@portofguam.com

June 9, 2022

MEMORANDUM

To: All Honorable Senators, Stakeholders, and Media
 From: Senator Telena Cruz Nelson
 Subject: **FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.**

Buenas yan Håfa Ådai! Please be advised that the Office of Senator Telena Cruz Nelson will convene a Public Hearing on Thursday, June 16, 2022 at 3:00 P.M., in the Public Hearing Room of *I Liheslaturan Guåhan*. The agenda includes the following:

Public Hearing:

- **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
- **Bill No. 289-36 (LS)** – “AN ACT TO ADD A NEW §73157 TO ARTICLE 1 OF CHAPTER 73, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM CUSTOMS AND QUARANTINE AGENCY REORGANIZATIONAL AUTHORITY FOR THE PURPOSE OF PROVIDING ASSISTANCE TO BETTER SAFEGUARD OUR ISLAND AND SHALL BE KNOWN AS THE “CUSTOMS REORGANIZATION ACT OF 2022”.
- **Bill No. 292-36 (LS)** – “AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.

Written testimonies may be delivered to the Office of Senator Telena Cruz Nelson at 173 Aspinall Avenue, Suite 202A, Ada Plaza Center, *Hagåtña*, Guam 96910 or via email to senatortcnelson@guamelegislature.org. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearings.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodations should contact the Office of Senator Telena Cruz Nelson via phone call at 671-989-7696 or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4, and stream online via *I Liheslaturan Guåhan*’s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

Sì Yu’os Ma’åse’!

The Office of Senator Telena Cruz Nelson



Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

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 **6.16.22_FIRSTNOTICE_PublicHearing.pdf**
290K

Ed Pocaigue <sgtarms@guamlegislature.org>

Thu, Jun 9, 2022 at 10:15 AM

To: Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Buenas yan Håfa Ådai!

First Notice of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M. has been posted on the calendar.

Si Yu'os Ma'åse'!

[Quoted text hidden]

--



Edward S. Pocaigue, Jr.
Sergeant at Arms

36th Guam Legislature

I Mina'trentai Sais na Liheslaturan Guåhan

Tel: (671) 969-3514

Email: sgtarms@guamlegislature.org

[Quoted text hidden]

Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Fri, Jun 10, 2022 at 8:48 AM

To: rlujanjr@guamairport.net

Hafa adai Mr. Lujan:

Kindly see forwarded first notice for the public hearing that will be held on Thursday, June 16, 2022 at 3:00 p.m., in the Public Hearing Room of the Guam Congress Building. Should you have any questions, feel free to contact the office (671) 989-7696.

Thank you,
Michelle Manibusan
Policy Analyst

[Quoted text hidden]

 **6.16.22_FIRSTNOTICE_PublicHearing.pdf**
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Rufo Lujan Jr. <rlujanjr@guamairport.net>

Fri, Jun 10, 2022 at 9:05 AM

To: Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Thank you very much, Michelle.

What I'm looking for is what was discussed during the roundtable meeting of bill no. 114-36. Do you think that Xavier has information on that? If anything is written, can I be emailed a copy of that?

Again, thanks for your assistance.

Saina Ma'åse',

Rufo Lujan, Jr.

A.B. Won Pat International Airport, Guam
P.O. Box 8770
Tamuning GU 96931

From: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>
To: rlujanjr@guamairport.net
Date: Fri, 10 Jun 2022 08:48:21 +1000
Subject: Fwd: FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

Si Yu'us Ma'åse',

Rufo Lujan, Jr.
Management Analyst IV
A.B. Won Pat International Airport, Guam
355 Chalan Pasaheru
Tamuning GU 96931
Tel: (671) 646-0300
Fax: (671) 646-8823



P.O. Box 8770, Tamuning, Guam 96931
355 Chalan Pasaheru, Tamuning, Guam 96913
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www.guamairport.com

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Rufo Lujan Jr. <rlujanjr@guamairport.net>
To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Fri, Jun 10, 2022 at 9:43 AM

Hafa adai, Michelle,

I spoke with Xavier on the phone, from whom I acquired a copy of the compendium of the roundtable on bill no. 114-36.

Can I have Xavier's last name for record purposes? He guided me on the legislative website to obtain the committee report for the bill.

Thanks again.

Saina Ma'ase',

Rufo Lujan, Jr.

A.B. Won Pat International Airport, Guam

P.O. Box 8770

Tamuning GU 96931

[Quoted text hidden]

Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Fri, Jun 10, 2022 at 9:53 AM

To: "Rufo Lujan Jr." <rlujanjr@guamairport.net>

Hafa adai Mr. Lujan:

Xavier De Ramos is his name.

Si Yu'os Ma'ase,

Kristina Perez

Committee Director

[Quoted text hidden]

Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Mon, Jun 13, 2022 at 11:47 AM

To: "glenn.dulla@doag.guam.gov" <glenn.dulla@doag.guam.gov>

----- Forwarded message -----

From: **Office of Senator Telen Cruz Nelson** <senatortcnelson@guamlegislature.org>

Date: Thu, Jun 9, 2022 at 10:00 AM

Subject: FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

To: <phnotice@guamlegislature.org>

Cc: Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue

<sgtarms@guamlegislature.org>

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 **6.16.22_FIRSTNOTICE_PublicHearing.pdf**
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Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Tue, Jun 14, 2022 at 9:58 AM

To: biosecurity@doag.guam.gov, russell.campbell@doag.guam.gov

----- Forwarded message -----

From: **Office of Senator Telen Cruz Nelson** <senatortcnelson@guamlegislature.org>

Date: Thu, Jun 9, 2022 at 10:00 AM

Subject: FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.


To: <phnotice@guamlegislature.org>

Cc: Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue

<sgtarms@guamlegislature.org>

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postmaster@guam.gov <postmaster@guam.gov>
To: senatortcnelson@guamlegislature.org

Tue, Jun 14, 2022 at 9:59 AM

Delivery has failed to these recipients or groups:

russell.campbell@doag.guam.gov

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: NPVGUMMBX03.guam.gov

russell.campbell@doag.guam.gov

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Authentication-Results: spf=none (sender IP is 209.85.128.43)
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header.from=guamlegislature.org; compauth=pass reason=106

Received-SPF: None (protection.outlook.com: guamlegislature.org does not designate permitted sender hosts)

Received: from mail-wm1-f43.google.com (209.85.128.43) by DM3GCC02FT044.mail.protection.outlook.com (10.97.8.186) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.5332.12 via Frontend Transport; Mon, 13 Jun 2022 23:59:12 +0000

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X-MS-Exchange-CrossTenant-OriginalArrivalTime: 13 Jun 2022 23:59:12.8528 (UTC)

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X-MS-Exchange-CrossTenant-AuthAs: Anonymous

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X-MS-Exchange-Transport-CrossTenantHeadersStamped: SA1PR09MB7421

X-OrganizationHeadersPreserved: SA1PR09MB7421.namprd09.prod.outlook.com

X-CrossPremisesHeadersPromoted: NPVGUMCAS04.guam.gov

X-CrossPremisesHeadersFiltered: NPVGUMCAS04.guam.gov

X-OriginatorOrg: guam.gov

Final-Recipient: rfc822;russell.campbell@doag.guam.gov

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp;550 5.1.1 RESOLVER.ADR.RecipNotFound; not found

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From: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To: <biosecurity@doag.guam.gov>, <russell.campbell@doag.guam.gov>

Cc:

Bcc:

Date: Tue, 14 Jun 2022 09:58:31 +1000

Subject: Fwd: FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

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From: **Office of Senator Telena Cruz Nelson** <senatortcnelson@guamlegislature.org>

Date: Thu, Jun 9, 2022 at 10:00 AM

Subject: FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

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Cc: Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue

<sgtarms@guamlegislature.org>

June 9, 2022

MEMORANDUM

-

To: All Honorable Senators, Stakeholders, and Media
 From: Senator Telena Cruz Nelson
 Subject: **FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.**

Buenas yan Håfa Ådai! Please be advised that the Office of Senator Telena Cruz Nelson will convene a Public Hearing on Thursday, June 16, 2022 at 3:00 P.M., in the Public Hearing Room of *I Liheslaturan Guåhan*. The agenda includes the following:

Public Hearing:

- **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
- **Bill No. 289-36 (LS)** – “AN ACT TO ADD A NEW §73157 TO ARTICLE 1 OF CHAPTER 73, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM CUSTOMS AND QUARANTINE AGENCY REORGANIZATIONAL AUTHORITY FOR THE PURPOSE OF PROVIDING ASSISTANCE TO BETTER SAFEGUARD OUR ISLAND AND SHALL BE KNOWN AS THE “CUSTOMS REORGANIZATION ACT OF 2022”.
- **Bill No. 292-36 (LS)** – “AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.

Written testimonies may be delivered to the Office of Senator Telena Cruz Nelson at 173 Aspinall Avenue, Suite 202A, Ada Plaza Center, *Hagåtña*, Guam 96910 or via email to senatortcnelson@guamlegislature.org. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearings.

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Si Yu’os Ma’åse’!



The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

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The Office of Senator Telena Cruz Nelson



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 **6.16.22_FIRSTNOTICE_PublicHearing.pdf**
290K

Legislative Counsel <legislativecounsel@guamlegislature.org>

Thu, Jun 16, 2022 at 12:12 PM

To: Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Cc: dhiton <dhiton@gmail.com>

Hafa Adai Senator Nelson,

Kindly informing you that we will not be able to send you the legal review of Bill 114-36 (COR) in time before the public hearing at 3pm today. Our office received the working version of this bill yesterday late afternoon. While Counsel is working on this bill we will need more time.

Please contact our office if you have any questions.

Thank you for your patience and understanding.

[Quoted text hidden]

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Legal Bureau

I Mina'trentai Sais Na Liheslaturan Guåhan

legislativecounsel@guamlegislature.org

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THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON

EDUCATION,

SELF DETERMINATION
AND HISTORIC
PRESERVATION,

INFRASTRUCTURE,

BORDER SAFETY,

FEDERAL AND
FOREIGN AFFAIRS,

AND

MARITIME
TRANSPORTATION

June 9, 2022

MEMORANDUM

To: All Honorable Senators, Stakeholders, and Media
From: Senator Telena Cruz Nelson
Subject: **FIRST NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.**

Buenas yan Håfa Ådai! Please be advised that the Office of Senator Telena Cruz Nelson will convene a Public Hearing on Thursday, June 16, 2022 at 3:00 P.M., in the Public Hearing Room of *I Liheslaturan Guåhan*. The agenda includes the following:

Public Hearing:

- **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
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Si Yu’os Ma’åse’!



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

6 messages

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Tue, Jun 14, 2022 at 9:59 AM

To: phnotice@guamlegislature.org

Cc: Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue <sgtarms@guamlegislature.org>

Bcc: Ignacio Peredo <ike.peredo@cqa.guam.gov>, Vince Perez-Customs <vincent.perez@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, John Quinata <john.quinata@guamairport.net>, "Artemio Ricky Hernandez, PhD" <ahernandez@guamairport.net>, Austin Grant <austin.grant@guamairport.net>, Vince Naputi <vince.naputi@guamairport.net>, Rory Respicio <rjrespicio@portofguam.com>, "Leevin T. Camacho" <lcamacho@oagg.guam.gov>, "Stephanie E. Mendiola" <generalcounsel@oagg.guam.gov>, jsmendiola@portofguam.com, "glenn.dulla@doag.guam.gov" <glenn.dulla@doag.guam.gov>, biosecurity@doag.guam.gov, russell.campbell@doag.guam.gov

June 14, 2022

MEMORANDUM

To: All Honorable Senators, Stakeholders, and Media
 From: Senator Telena Cruz Nelson
 Subject: **SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.**

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Si Yu’os Ma’åse’!**The Office of Senator Telena Cruz Nelson**

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina’trentai Sais na Lihseslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678**Email:** senatortcnelson@guamlegislature.org

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To: senatortcnelson@guamlegislature.org

Tue, Jun 14, 2022 at 10:00 AM

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russell.campbell@doag.guam.gov

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Message-ID: <CAPVOojQP5GoPt_d56G8p4ErYyQtqZ_Nyq4phzQh4U8gpuABZQ@mail.gmail.com>
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To: <phnotice@guamlegislature.org>
CC: Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue <sgtarms@guamlegislature.org>
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X-Forefront-Antispam-Report: CIP:209.85.221.54;CTRY:US;LANG:en;SCL:1;SRV:;IPV:NLI;SFV:NSPM;H:mail-wr1-f54.google.com;PTR:mail-wr1-f54.google.com;CAT:None;SFS:(13230016)(83380400001)(54906003)(107886003)(7596003)(336012)(66574015)(356005)(21480400003)(40140700001)(42186006)(86362001)(1096003)(55446002)(6636002)(5660300002)(8676002)(28085005)(26005)(4326008)(15650500001)(34206002)(9686003)(33964004)(6666004)(147303002);DIR:INB;
X-MS-Exchange-CrossTenant-OriginalArrivalTime: 14 Jun 2022 00:00:38.1854 (UTC)
X-MS-Exchange-CrossTenant-Network-Message-Id: 73ae5d7b-c7f7-4db8-a99f-08da4d98e9f9
X-MS-Exchange-CrossTenant-Id: 60e8fb94-3672-44bd-b410-8458b5a26625
X-MS-Exchange-CrossTenant-AuthSource: DM3GCC02FT023.eop-gcc02.prod.protection.outlook.com
X-MS-Exchange-CrossTenant-AuthAs: Anonymous
X-MS-Exchange-CrossTenant-FromEntityHeader: Internet
X-MS-Exchange-Transport-CrossTenantHeadersStamped: BY3PR09MB7970
X-OrganizationHeadersPreserved: BY3PR09MB7970.namprd09.prod.outlook.com
X-CrossPremisesHeadersPromoted: NPVGUMCAS04.guam.gov
X-CrossPremisesHeadersFiltered: NPVGUMCAS04.guam.gov
X-OriginatorOrg: guam.gov

Final-Recipient: rfc822;russell.campbell@doag.guam.gov

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp;550 5.1.1 RESOLVER.ADR.RecipNotFound; not found

----- Forwarded message -----

From: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To: <phnotice@guamlegislature.org>

Cc: "Audio / Video" <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue <sgtarms@guamlegislature.org>

Bcc: <russell.campbell@doag.guam.gov>

Date: Tue, 14 Jun 2022 09:59:59 +1000

Subject: SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

CAUTION: This email originated from outside of the Government's Network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

June 14, 2022

MEMORANDUM

To: All Honorable Senators, Stakeholders, and Media
 From: Senator Telena Cruz Nelson
 Subject: **SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.**

Buenas yan Håfa Ådai! Please be advised that the Office of Senator Telena Cruz Nelson will convene a Public Hearing on Thursday, June 16, 2022 at 3:00 P.M., in the Public Hearing Room of *I Liheslaturan Guåhan*. The agenda includes the following:

Public Hearing:

- **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
- **Bill No. 289-36 (LS)** – “AN ACT TO ADD A NEW §73157 TO ARTICLE 1 OF CHAPTER 73, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM CUSTOMS AND QUARANTINE AGENCY REORGANIZATIONAL AUTHORITY FOR THE PURPOSE OF PROVIDING ASSISTANCE TO BETTER SAFEGUARD OUR ISLAND AND SHALL BE KNOWN AS THE “CUSTOMS REORGANIZATION ACT OF 2022”.
- **Bill No. 292-36 (LS)** – “AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.

Written testimonies may be delivered to the Office of Senator Telena Cruz Nelson at 173 Aspinall Avenue, Suite 202A, Ada Plaza Center, *Hagåtña*, Guam 96910 or via email to senatortcnelson@guamelegislature.org. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearings.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodations should contact the Office of Senator Telena Cruz Nelson via phone call at 671-989-7696 or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4, and stream online via *I Liheslaturan Guåhan*’s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

Si Yu’os Ma’åse’!



The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina’trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
 173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

"Disclaimer: This message is intended only for the use of the individual or entity to which it is addressed and may contain information which is privileged, confidential, proprietary, or exempt from disclosure under applicable law. If you are not the intended recipient or the individual responsible for delivering the message to the intended recipient, you are strictly prohibited from disclosing, distributing, copying, or in any way using this message. If you have received this communication in error, please notify the sender and immediately delete any copies you may have received. Thank you."

6.16.22_SECONDNOTICE_PublicHearing.pdf
 290K

To: Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, adrian.cruz@doag.guam.gov

[Quoted text hidden]

 6.16.22_SECONDNOTICE_PublicHearing.pdf
290K

postmaster@guam.gov <postmaster@guam.gov>
To: senatortcnelson@guamlegislature.org

Tue, Jun 14, 2022 at 10:13 AM



Your message to adrian.cruz@doag.guam.gov couldn't be delivered.

adrian.cruz wasn't found at doag.guam.gov.

senatortcnelson
Action Required

Office 365

adrian.cruz
Recipient

Unknown To address

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.10 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? [Send feedback to Microsoft](#).

More Info for Email Admins

Status code: 550 5.1.10

This error occurs because the sender sent a message to an email address hosted by Office 365 but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Recipient has a valid license - Make sure the recipient has an Office 365 license assigned to them. The recipient's email admin can use the Office 365 admin center to assign a license (Users > Active Users > select the recipient > Assigned License > Edit).

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues for error code 5.1.10 in Office 365](#).

Original Message Details

Created Date: 6/14/2022 12:12:51 AM
 Sender Address: senatortcnelson@guamlegislature.org
 Recipient Address: adrian.cruz@doag.guam.gov
 Subject: Fwd: SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

Error Details

Reported error: *550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient Adrian.Cruz@Govguam.mail.onmicrosoft.com not found by SMTP address lookup*
 DSN generated by: CO6PR09MB8616.namprd09.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH	RELAY TIME
1	6/14/2022 12:13:31 AM		mail-wm1-f54.google.com	SMTP	40 sec
2	6/14/2022 12:13:31 AM	mail-wm1-f54.google.com	BL0GCC02FT025.mail.protection.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*
3	6/14/2022 12:13:31 AM	BL0GCC02FT025.eop-gcc02.prod.protection.outlook.com	CY4PR09CA0008.outlook.office365.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*
4	6/14/2022 12:13:32 AM	CY4PR09CA0008.namprd09.prod.outlook.com	PH0PR09MB7324.namprd09.prod.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	1 sec
5	6/14/2022 12:13:36 AM	GCC02-DM3-obe.outbound.protection.outlook.com	NPVGUMCAS04.guam.gov	Microsoft SMTP Server (TLS)	4 sec
6	6/14/2022 12:13:36 AM	NPVGUMCAS04.guam.gov	NPVGUMMBX03.guam.gov	Microsoft SMTP Server (TLS)	*
7	6/14/2022 12:13:45 AM	mail.guam.gov	DM3GCC02FT037.mail.protection.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384)	9 sec
8	6/14/2022 12:13:46 AM	DM3GCC02FT037.eop-gcc02.prod.protection.outlook.com	DM5PR09CA0019.outlook.office365.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	1 sec
9	6/14/2022 12:13:46 AM	DM5PR09CA0019.namprd09.prod.outlook.com	CO6PR09MB8616.namprd09.prod.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*

Original Message Headers

Received: from DM5PR09CA0019.namprd09.prod.outlook.com (2603:10b6:4::29) by CO6PR09MB8616.namprd09.prod.outlook.com (2603:10b6:303:cf::15) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.5332.14; Tue, 14 Jun 2022 00:13:46 +0000

Received: from DM3GCC02FT037.eop-gcc02.prod.protection.outlook.com (2a01:111:f400:7d04::201) by DM5PR09CA0019.outlook.office365.com (2603:10b6:4::29) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.5332.13 via Frontend Transport; Tue, 14 Jun 2022 00:13:46 +0000

Authentication-Results: spf=none (sender IP is 67.98.163.2)
smtp.mailfrom=guamlegislature.org; dkim=fail (body hash did not verify)
header.d=guamlegislature.org.20210112.gappssmtp.com; dmarc=none action=none
header.from=guamlegislature.org;

Received-SPF: None (protection.outlook.com: guamlegislature.org does not designate permitted sender hosts)

Received: from mail.guam.gov (67.98.163.2) by DM3GCC02FT037.mail.protection.outlook.com (10.97.8.149) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384) id 15.20.5332.12 via Frontend Transport; Tue, 14 Jun 2022 00:13:45 +0000

Received: from NPVGUMCAS04.guam.gov (192.168.146.207) by NPVGUMMBX03.guam.gov (192.168.146.8) with Microsoft SMTP Server (TLS) id 15.0.1497.23; Tue, 14 Jun 2022 10:13:36 +1000

Received: from GCC02-DM3-obe.outbound.protection.outlook.com (104.47.65.106) by NPVGUMCAS04.guam.gov (192.168.146.207) with Microsoft SMTP Server (TLS) id 15.0.1497.24 via Frontend Transport; Tue, 14 Jun 2022 10:13:36 +1000

Received: from CY4PR09CA0008.namprd09.prod.outlook.com (2603:10b6:910:2::18) by PH0PR09MB7324.namprd09.prod.outlook.com (2603:10b6:510:6a::17) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.5332.13; Tue, 14 Jun 2022 00:13:32 +0000

Received: from BL0GCC02FT025.eop-gcc02.prod.protection.outlook.com (2a01:111:f400:7d05::206) by CY4PR09CA0008.outlook.office365.com (2603:10b6:910:2::18) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.5332.12 via Frontend Transport; Tue, 14 Jun 2022 00:13:31 +0000

Authentication-Results-Original: spf=none (sender IP is 209.85.128.54)
smtp.mailfrom=guamlegislature.org; dkim=pass (signature was verified)
header.d=guamlegislature.org.20210112.gappssmtp.com; dmarc=none action=none
header.from=guamlegislature.org; compauth=pass reason=106

Received-SPF: None (protection.outlook.com: guamlegislature.org does not designate permitted sender hosts)

Received: from mail-wm1-f54.google.com (209.85.128.54) by BL0GCC02FT025.mail.protection.outlook.com (10.97.10.190) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.5332.12 via Frontend Transport; Tue, 14 Jun 2022 00:13:31 +0000

Received: by mail-wm1-f54.google.com with SMTP id o37-20020a05600c512500b0039c4ba4c64dso5381037wms.2 for adrian.cruz@doag.guam.gov; Mon, 13 Jun 2022 17:13:31 -0700 (PDT)

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=guamlegislature.org.20210112.gappssmtp.com; s=20210112;
h=mime-version:references:in-reply-to:from:date:message-id:subject:to;
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X-Received: by 2002:a05:600c:591:b0:39c:4544:b814 with SMTP id
o17-20020a05600c059100b0039c4544b814mr1243773wmd.118.1655165609653; Mon, 13
Jun 2022 17:13:29 -0700 (PDT)

MIME-Version: 1.0

References: <CAPVOoJP5GoPt_d56G8p4ErYfYQtZ_Nyq4phzQh4U8gpuABZQ@mail.gmail.com>
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From: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>
Date: Tue, 14 Jun 2022 10:12:51 +1000
Message-ID: <CAPVOoJP5GoPt_d56G8p4ErYfYQtZ_Nyq4phzQh4U8gpuABZQ@mail.gmail.com>
Subject: Fwd: SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at
3:00 P.M.
To: Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, adrian.cruz@doag.guam.gov
Content-Type: multipart/mixed; boundary="00000000000035ef6705e15d466f"
Return-Path: senatortcnelson@guamlegislature.org
X-EOPAttributedMessage: 1

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66574015)(55446002)(30864003)(336012)(1096003)(5660300002)(86362001)(33964004)(21480400003)(53546011)(8676002)
(15650500001)(42186006)(28085005)(83380400001)(7636003)(356005)(7596003)(147303002);DIR:INB;
X-MS-Exchange-Transport-CrossTenantHeadersStamped: PH0PR09MB7324
X-OrganizationHeadersPreserved: PH0PR09MB7324.namprd09.prod.outlook.com
X-CrossPremisesHeadersPromoted: NPVGUMCAS04.guam.gov
X-CrossPremisesHeadersFiltered: NPVGUMCAS04.guam.gov
X-OrganizationHeadersPreserved: NPVGUMMBX03.guam.gov
X-CrossPremisesHeadersPromoted: DM3GCC02FT037.eop-gcc02.prod.protection.outlook.com
X-CrossPremisesHeadersFiltered: DM3GCC02FT037.eop-gcc02.prod.protection.outlook.com
X-MS-Exchange-Transport-CrossTenantHeadersStripped: DM3GCC02FT037.eop-gcc02.prod.protection.outlook.com
X-MS-PublicTrafficType: Email
X-OriginatorOrg: guam.gov
X-MS-Office365-Filtering-Correlation-Id-Prvs:
1e924e8e-f10c-41d4-08b8-08da4d9ab6ba

Original-Recipient: rfc822;adrian.cruz@doag.guam.gov

Final-Recipient: rfc822;adrian.cruz@doag.guam.gov

Action: failed

Status: 5.1.10

Diagnostic-Code: smtp;550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient Adrian.Cruz@Govguam.mail.onmicrosoft.com not found by SMTP address lookup

----- Forwarded message -----

From: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To: Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, adrian.cruz@doag.guam.gov

Cc:

Bcc:

Date: Tue, 14 Jun 2022 10:12:51 +1000

Subject: Fwd: SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

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From: **Office of Senator Telena Cruz Nelson** <senatortcnelson@guamlegislature.org>

Date: Tue, Jun 14, 2022 at 9:59 AM

Subject: SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

To: <phnotice@guamlegislature.org>

Cc: Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>, Ed Pocaigue <sgtarms@guamlegislature.org>

June 14, 2022

MEMORANDUM

To: All Honorable Senators, Stakeholders, and Media
 From: Senator Telena Cruz Nelson
 Subject: **SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.**

Buenas yan Håfa Ådai! Please be advised that the Office of Senator Telena Cruz Nelson will convene a Public Hearing on Thursday, June 16, 2022 at 3:00 P.M., in the Public Hearing Room of *I Liheslaturan Guåhan*. The agenda includes the following:

Public Hearing:

- **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
- **Bill No. 289-36 (LS)** – “AN ACT TO ADD A NEW §73157 TO ARTICLE 1 OF CHAPTER 73, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM CUSTOMS AND QUARANTINE AGENCY REORGANIZATIONAL AUTHORITY FOR THE PURPOSE OF PROVIDING ASSISTANCE TO BETTER SAFEGUARD OUR ISLAND AND SHALL BE KNOWN AS THE “CUSTOMS REORGANIZATION ACT OF 2022”.”
- **Bill No. 292-36 (LS)** – “AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.

Written testimonies may be delivered to the Office of Senator Telena Cruz Nelson at 173 Aspinall Avenue, Suite 202A, Ada Plaza Center, *Hagåtña*, Guam 96910 or via email to senatortcnelson@guamlegislature.org. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearings.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodations should contact the Office of Senator Telena Cruz Nelson via phone call at 671-989-7696 or via email.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4, and stream online via *I Liheslaturan Guåhan*’s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

Si Yu’os Ma’åse’!

**The Office of Senator Telena Cruz Nelson**

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina’trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

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**The Office of Senator Telena Cruz Nelson**

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina’trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

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 **6.16.22_SECONDNOTICE_PublicHearing.pdf**
290K

Glenn Dulla <Glenn.Dulla@doag.guam.gov>
To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Thu, Jun 16, 2022 at 9:44 AM

Hafa adai,

Could I get copies of the legislation edits?

Thank you,

Glenn Dulla, Ph.D.
Invasive Species Coordinator
Guam Department of Agriculture
Biosecurity Division
(671) 486-6205
<https://biosecurity.guam.gov>
<https://www.facebook.com/guam.biosec/>
<https://www.instagram.com/guam.biosec/>

From: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>
Sent: Tuesday, June 14, 2022 9:59 AM
To: phnotice@guamlegislature.org <phnotice@guamlegislature.org>
Cc: Audio / Video <av@guamlegislature.org>; mis <mis@guamlegislature.org>; Ed Pocaigue <sgtarms@guamlegislature.org>
Subject: SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.

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[Quoted text hidden]

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>
To: Glenn Dulla <Glenn.Dulla@doag.guam.gov>

Thu, Jun 16, 2022 at 9:53 AM

Hafa Adai Mr. Dulla,

Per our phone conversation, please see attached the following:


- Bill No. 114-36 (COR); and
- Bill No. 289-36 (LS)


Should you have any questions or concerns, please do not hesitate to contact our office.
Kindly confirm receipt of this email.

Si Yu'us Ma'åse',

Xavier De Ramos
Research Analyst
[Quoted text hidden]

2 attachments

 **Bill No. 114-36 (COR).pdf**
994K

 **Bill No. 289-36 (LS).pdf**
966K



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON
EDUCATION,
SELF DETERMINATION
AND HISTORIC
PRESERVATION,
INFRASTRUCTURE,
BORDER SAFETY,
FEDERAL AND
FOREIGN AFFAIRS,
AND
MARITIME
TRANSPORTATION

June 14, 2022

MEMORANDUM

To: All Honorable Senators, Stakeholders, and Media
From: Senator Telena Cruz Nelson
Subject: **SECOND NOTICE of Public Hearing on Thursday, June 16, 2022 at 3:00 P.M.**

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- **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
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Si Yu’os Ma’åse’!



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Google Drive Folder Link: Thursday, June 16, 2022 at 3:00 P.M.

1 message

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org> Thu, Jun 16, 2022 at 10:02 AM

To: "Hon. Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Hon. Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>, "Hon. Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, "Senator Clynton E. Ridgell" <clyntridgell@guamlegislature.org>, Senator Jose Pedeo Terlaje <senatorpedo@senatorjpterlaje.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, "Honorable Senator Frank Blas, Jr." <office@senatorfrankblas.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Senator V. Anthony Ada" <senatorvanthoniyada@gmail.com>, "Senator Telo T. Taitague" <senatortelot@gmail.com>, "Senator Joanne M. Brown" <office@senatorjoannebrown.com>, "Senator Christopher M. Dueñas" <senatorchrisduenas@gmail.com>
Cc: Ed Pocaigne <sgtarms@guamlegislature.org>, Audio / Video <av@guamlegislature.org>, mis <mis@guamlegislature.org>

Bcc: Ignacio Peredo <ike.peredo@cqa.guam.gov>, Vince Perez-Customs <vincent.perez@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, John Quinata <john.quinata@guamairport.net>, "Artemio Ricky Hernandez, PhD" <ahernandez@guamairport.net>, Austin Grant <austin.grant@guamairport.net>, Vince Naputi <vince.naputi@guamairport.net>, Rory Respicio <rjrespicio@portofguam.com>, "Leevin T. Camacho" <lcamacho@oagguam.org>, "Stephanie E. Mendiola" <generalcounsel@oagguam.org>, jsmendiola@portofguam.com, Glenn Dulla <glenn.dulla@doag.guam.gov>, biosecurity@doag.guam.gov

Håfa Ådai,

Please see below the link for the Google Drive folder for the Public Hearing on Thursday, June 16, 2022 at 3:00 p.m., in the Public Hearing Room of *I Liheslaturan Guåhan* for the following agenda items:

- **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
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Here is the link to the Google Drive folder, where you can review the bills, testimony and other documents relative to the agenda items: [REDACTED]

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The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

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THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON

EDUCATION,

SELF DETERMINATION
AND HISTORIC
PRESERVATION,

INFRASTRUCTURE,

BORDER SAFETY,

FEDERAL AND
FOREIGN AFFAIRS,

AND

MARITIME
TRANSPORTATION

Public Hearing

Thursday, June 16, 2022
3:00 P.M.

Agenda

- I. Call to Order at 3:00 P.M.
- II. Opening Remarks by Senator Telena Cruz Nelson, Committee Chairperson
- III. Items for Discussion
 - **Bill No. 114-36 (COR)** – “AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM’S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.”
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- IV. Closing Remarks
- V. Adjournment

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Si Yu’os Ma’åse’



OFFICE OF SENATOR TELENA CRUZ NELSON

COMMITTEE ON EDUCATION, SELF-DETERMINATION AND HISTORIC PRESERVATION,
INFRASTRUCTURE, BORDER SAFETY, FEDERAL AND FOREIGN AFFAIRS, AND MARITIME
TRANSPORTATION

Bill No. 292-36 (LS)

Public Hearing Sign-in Sheet

Thursday, June 16, 2022 • 3:00 p.m.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Philip Tayanon	Guam Customs	Support		✓		
Eric & Poredo	CCA	✓				
Joseph M. M. M.	CCA	✓				



CUSTOMS & QUARANTINE AGENCY, GUAM

Guam's First Line of Defense | Protecting Our Island, Our People, and Our Resources

Director of Customs – Ignacio "Ike" Q. Peredo

Chief of Customs – Vincent S.N. Perez

Honorable Telena Cruz Nelson

Senator, 36th Guam Legislature

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

Director Ike Peredo Testimony in support of Bill 292-36

Good afternoon Honorable Senator Nelson and members of this hearing committee, my name is Ike Q. Peredo. I am the Director for the Customs and Quarantine Agency. Before I begin, I'd like to thank each of you for the opportunity to testify in support of Bill 292-36.

The Off Duty Service (ODS) Program has been in place supporting the special request customs clearance needs of our cargo import and shipping industry for over two decades. The program was passed into law as Public Law 25-138 on May 22, 2000. The program provides opportunities for our cargo and shipping companies to request customs clearance services at a time that is advantageous and convenient for the users of this program. This program is completely elective and noncompulsory. The program was intended to be self-sustaining with no cost to the Government of Guam.

Increased officer salaries and hazardous duty pay burdened the government with unintended costs contrary to the original design of the program. The government incurred overtime costs for ODS requests that exceeded the \$275.00 dollar charge limit. During instances when the \$275.00 charge limit was reached officers were required to complete the work for the clearance but at the government's expense using government overtime.

Public Law 36-54 - FY2022 Budget Act clarified Customs Officers were entitled to hazardous duty pay but this entitlement was never applied to the ODS charge rate for customs officers performing ODS. The Department of Administration continued to receive compensation for the administrative processing fee for the ODS program but this did not address the cost associated with the customs and quarantine agency's assignment of a Clerk III whose sole duty was collecting, reconciling, and processing actions to facilitate the program. Cost continues to be borne by the agency due to supervisory and management activities necessary for administering this program. Customs does not seek reimbursement for the supervisory and management administering costs because this is part of management's duty.


Bill 292-36 seeks to restore the no cost to government and self-sustaining critical features of the ODS program by removing the ODS charge limit of \$275.00 dollars, including the hazardous duty pay as part of the rate officers' charge, initiating an administrative processing fee that shall be collected and deposited into the ODS revolving fund, and authorizing the Department of Administration Director to use all legal means necessary to collect all balances and interest which are more than twelve months past due from the date inspection services were provided.

Mailing Address: 770 East Sunset Boulevard, Suite 240, Tiyan, Guam 96913

*Executive Office: 770 East Sunset Boulevard, Suite 250, Guam Integrated Air Cargo Facility, Tiyan, Guam 96913
(671) 475-6202 | (671) 475-6227 Fax | www.cqa.guam.gov*

I ask for your support and vote in the passage of Bill 292-36. Thank you again for your time and for this opportunity to speak in favor of Bill 292-36. At this time, I conclude my testimony subject to any questions you may have.

Si Yu'os Ma'ase'.



Mike Q. Peredo



CUSTOMS & QUARANTINE AGENCY, GUAM

Guam's First Line of Defense | Protecting Our Island, Our People, and Our Resources

Director's Office

*Director of Customs – Ike Q. Peredo
Chief of Customs – Vincent S.N. Perez*

Doc. Ref No. CQA-DIR-117-22

June 30, 2022

SENATOR TELENA C. NELSON

*Committee on Education, Self-Determination and Historic Preservation,
Infrastructure, Border Safety, Federal and Foreign Affairs,
and Maritime Transportation*

36th Guam Legislature

173 Aspinall Avenue, Suite 202A, Ada Plaza Center,
Hagåtña, Guam 96910

Subject: Requested Information for Bill No. 292-36 (LS)

Buenas Yan Hafa Adai Madam Chair,

Submitted is the information requested by committee members during the public hearing of Bill No. 292-36 (LS), AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.


1. CQA's Off-Duty Service (ODS) Statistics for the period from December 2021 to May 2022.
 - a. The breakdown illustrates the operating area for services requested, types of services requested, number of requests, and quantifies the number of officers to be assigned to provide services;
 - b. The number of Government Overtime occurrences requested for the period of December 2021 to May 2022, resulting from officers exceeding the current ODS cap and to continue with the completion of the customs services requested;
 - c. Additionally, this attachment provides information on the current administrative fee assessed for the service, the collected fee if adjusted to \$10 for this same period, the difference or under collected amount absorbed by the general fund for the administrative services and administrative fee methodology.
2. Off-Duty Service request counts per month based on service area request (Cargo & Maritime) and monthly averages;

Mailing Address: 770 East Sunset Boulevard, Suite 240, Tiyan, Guam 96913

*Executive Office: 770 East Sunset Boulevard, Suite 250, Guam Integrated Air Cargo Facility, Tiyan, Guam 96913
(671) 475-6202 | (671) 475-6227 Fax | www.cqa.guam.gov*

3. CQA Off-Duty Service Stand-By Listing for the period of May 10-3-, 2022, indicating the order of service request staffing based alphabetically, type of request, requestor, date & time, special notes and officer electing to participate or not to participate in the service program; and
4. Off-Duty Service activity for the months of May 2022 and May 2021.

Should the committee require clarification or information, please do not hesitate to contact my office at 671-475-6220.

Sincerely,

Ike Q. Peredo
Director CQA

Attachments

1. CQA's ODS Statistics
2. ODS Request Count
3. ODS Service Stand-By Listing
4. ODS Monthly Activity (May '21&'22)

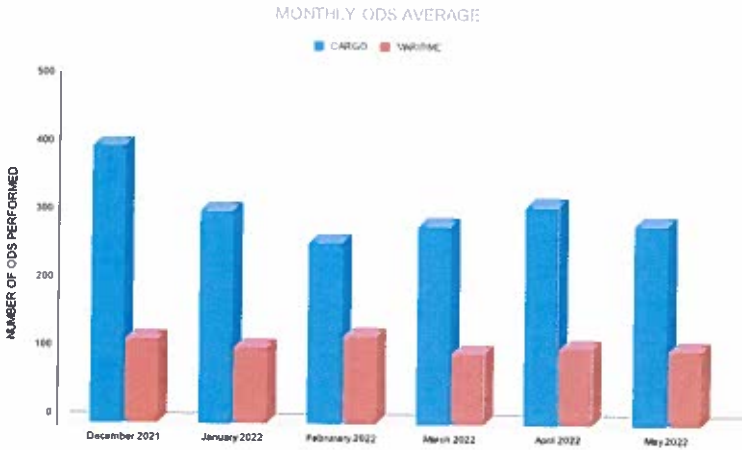
CUSTOMS & QUARANTINE AGENCY OFF-DUTY SERVICE STATISTICS, ADMINISTRATIVE INFORMATION & INCREASE METHODOLOGY

FROM: DECEMBER 2021 TO: MAY 2022

STATISTICS			
OPERATING AREA	SERVICE TYPE	NO. OF REQ	REMARKS
CQA SEA PORT OPERATIONS	BAGGAGE INSPECTION	68	1 OFFICER STAFFED
	CARGO MONITORING	79	MIN. OF 2 OFFICERS STAFFED
	CONTAINER INSPECTION	251	MIN. OF 2 OFFICERS STAFFED
	DEPARTURE CLEARANCE	27	1 OFFICER STAFFING
	FUMIGATION	2	MIN. OF 2 OFFICERS STAFFED
	SEALS:CORRECTION/PPQ/TAG	63	1 OFFICER STAFFED
	VESSEL CLEARANCE	135	MIN. OF 2 -3 OFFICERS STAFFED
	WINDOW ENTRY SERVICE	54	MIN. OF 4 OFFICERS STAFFED
	X-RAY SCANS	8	MIN. OF 2 OFFICERS STAFFED
	TOTAL	687	
AIR CARGO OPERATIONS	AIR CARGO FREIGHTER CLEARANCE	333	MIN. OF 2 OFFICERS STAFFED
	AIR CARGO CLEARANCE &INSPECTIONS	1552	1 OFFICER STAFFED PER REQ
	TOTAL	1885	
SEA AND AIR CARGO OPERATIONS	QTY. GOV'T OVERTIME	# OF HOURS	REMARKS
	14	26	REVERT TO GOV'T OT EXCEEDING CAP
ADMINISTRATIVE INCREASE INFORMATION			
INFORMATION	TYPE	AMOUNT	REMARKS
3184 INSTANCES (DEC-MAY) SERVICE CHARGE ASSESSED PER OFFICER FOR ODS PERFORMED IN BOTH OPERATIONS	CURRENT ADMIN FEE @2.00	\$6,368.00	NOT FOR CQA
	PROPOSED CQA ADMIN FEE @8.00 (SEE METHODOLOGY)	\$25,472.00	CQA ADMIN FEE PROJECTION (DEC-MAY) IF APPROVED. FEE REVENUE WILL FUND ADMIN COST DEDICATED TO ODS PROGRAM,
ANNUAL CQA ADMIN COST DEDICATED TO ODS		METHODOLOGY	
OBJECT CATEGORY (FY EXPENSE)	COST	DESC.	VALUES
1- CLKIII (SALARIES & BENEFITS)	\$40,928.00	CQA ADMIN COST	\$48,328.00
SUPPLIES/RENT	\$4,200.00	#OFFICER'S WORKING ODS IN FY	6,368
FUEL/EQUIPMENT/COMMUNICATIONS	\$3,200.00	PROJECTED	
TOTAL	\$48,328.00	COST/6368	7,58919598
		CQA ADMIN FEE	\$8

MONTH	CARGO	MARITIME
December 2021	405	123
January 2022	311	111
Februrary 2022	265	128
March 2022	291	103
April 2022	320	112
May 2022	293	110

MONTHLY ODS AVG.	COMMENT
429	COMBINDED CARGO & MARITIME (DEC'21 - MAY'22)
314	AIR CARGO (DEC'21 - MAY'22)
115	MARITIME (DEC'21 -MAY'22)



OFF DUTY SERVICE STAND-BY LISTING FOR THE PERIOD OF MAY 10 - 30, 2022

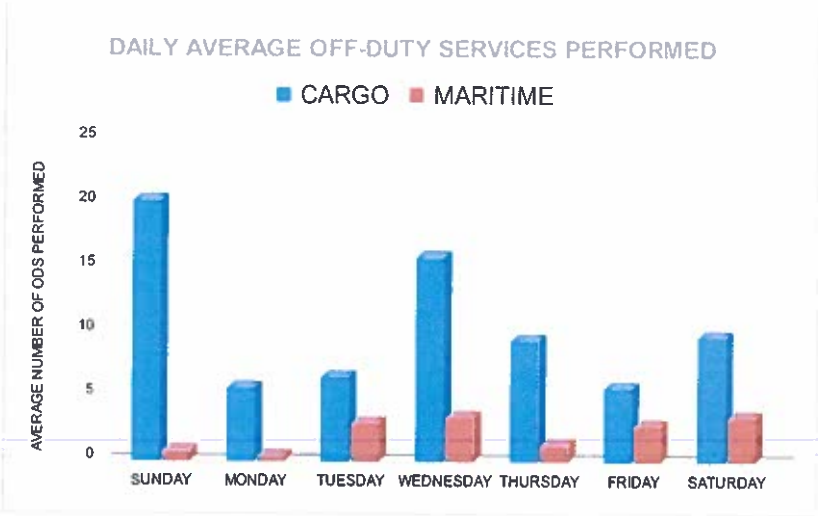
PERSONNEL LISTING ALPHABETICAL ORDER	HOME	CELL	RADIO ALERT #	NOTE	706	707	708	709	710	711	712	713	715	716	717	718	719	720	721	722	723	724	725	726	727
OFFICER II																									
					D 5/13 0100 DHL VRF#34	P 5/13 0615 VCT/MSA- KOTA RAJA VRF#34	1800 05/14 GRIT CEMENT FOA60 1351 D	P MARLY SPENCER 5/15 JFA59	COST U LESS 1600 D HBB79 5/15	D PACIFIC UNLIMITED 5/15 HBB79 1600	UPS INSP 1730 5/15 HBB79 D	IDI 1800 5/15 HBB79 D	P MATSON WINDOW SVC @ 1700 5/17 MPQ99	SL 5/22 0900 MSA TUG VRF#34	SL FEDEX @ 1500 5/22 MPQ99	SL UPS @ 1730 MPQ99	SL- TUG/BARGE S2011 (MSA) 0700a 5/23/22 JCP53	P- WINDOW SERV 0600a 5/25/22 JCP53	D EXPRESS LOGISTICS @ 1830 MPQ99	2359 05/26 HERODOTE FOA60 1557 P	P APL 5/28 08- 12 VRF34	P MSA TAMARAW 5/29 0930 VRF#34	P YAP PUGUA @ 1200 5/29 MPQ99	P- PAYLESS 5/30/22 0800a JCP53	P 5/30/2022 ROSANNA FASHON VJC43
OFFICER III																									
OFFICER I																									
OFFICER I																									
				MARITIME ODS ONLY	P 5/11/2022 MATSON 17-19 (WINDOW) MAC32	2300 KYOWASTORK FOA60 05/13 1620 D	1800 05/14 GRIT CEMENT FOA60 1352 D	D AMBYTH DEPARTURE @AIRPORT 5/15 JFA59	UPS DOCS 5/15 1400 HBB79 D	FEDEX D 5/15 1500 HBB79	D PAC UNLIMITED 5/15 HBB79 1630	IDI 1800 5/15 HBB79 D	P MATSON WINDOW SVC @ 1700 5/17 MPQ99	D 5/22 0900 MSA TUG VRF#34	D FEDEX @ 1500 5/22 MPQ99	D UPS @ 1730 MPQ99	P- TUG/BARGE S2011 (MSA) 0700a 5/23/22 JCP53	D- MINEN CHUUK 5/24/22 2100p JCP53	2000 05/26 GOODWILL FOA60 1547 P	2359 05/26 HERODOTE FOA60 1600 D	1830 05/26 IKKO FOA60 1648 D	D 5/27 0200 APL VRF34	P 5/27 0700 MSA VRF34	TAG 13-17 APL 5/28 HBB79	D CARSON 5/28 1600HBB79
OFFICER II																									
OFFICER I																									
					D AVIATION/HAR PER 2215 HBB79	P- COST U LESS 5/12/22 @ 0900 HRS RPT#49	1800 05/14 GRIT CEMENT FOA60 1353 D	P S&D FISH 5/15 JFA59	COST U LESS 1600 D HBB79 5/15	D PACIFIC UNLIMITED 5/15 HBB79 1600	UPS INSP 1730 5/15 HBB79 D	IDI 1800 5/15 HBB79 D	D VESSEL CLEARANCE "RUNAWAY" AGAT MARINA @ 2000 5/17 MPQ99	P 5/18/2022 PAYLESS PDC VJC43	AL FEDEX @ 1500 5/22 MPQ99	AL UPS @ 1730 MPQ99	D 5/24/2022 MANULANI CMT VJC43	P- QUALITY DIST 5/25/22 1000a JCP53	P- PACIFIC UNLIMITED 5/25/22 1100a JCP53	D KOTA RATU CMT @ 1300 5/26 JT38	1830 05/26 IKKO FOA60 1648 D	D 5/27 0200 APL VRF34	D 5/27 0700 MSA VRF34	TAG 13-17 APL 5/28 HBB79	D CARSON 5/28 1600HBB79
OFFICER II																									
OFFICER I																									
					AL- GUAM CHK HSE 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1623 D	1800 05/14 GRIT CEMENT FOA60 1355 D	D IDI 5/15 2000 HBB79	D- DHL 5/16/22 0500a JCP53	D-MATSON CDMT 0800HRS 5/17/2022 RJM84	NC MATSON WINDOW SVC @ 1700 5/17 MPQ99	NC MATSON PPQ SEAL @ 1900 5/17 MPQ99	D LUEN FUNG @ 0900 5/18 MPQ99	NC 5/18/2022 PAYLESS PDC VJC43	D- ST MICHAELIS (TANKER) 0430a 5/23/22 JCP53	D-DHL 0500a 5/23/22 JCP53	NC 5/24/2022 MANULANI CMT VJC43	D- TAG INSPECT 5/25/22 0700a JCP53	NC 5/25/2022 PAYLESS PDC VJC43	NC 5/25/2022 IDI VJC43	1830 05/26 IKKO FOA60 1649	NC 5/27 0200 APL VRF34	D 5/27 0700 MSA VRF34	P- JOHN B'S MART 5/30/22 0800p JCP53	P MATSON VCT KAIMANA HILA @ 0700 5/31 MPQ99
OFFICER I																									
OFFICER I																									
					D- PPC 5/12/22 @ 0900 HRS RPT#49	D- QUALITY DIST 5/12/22 @ 1000 HRS RPT#49	1800 05/14 GRIT CEMENT FOA60 1356 D	ML AMBYTH DEPARTURE @AIRPORT 5/15 JFA59	ML UPS 5/15 1400 HBB79	ML FEDEX 5/15 1500 HBB79	ML PAC UNLIMITED 5/15 HBB79 1630	IDI 1800 5/15 HBB79 D	D LUEN FUNG @ 0900 5/18 MPQ99	P IDI @ 1300 5/18/22 AGC109	D FEDEX @ 1500 5/22 MPQ99	D UPS @ 1730 MPQ99	P- ST MICHAELIS (TANKER) 0430a 5/23/22 JCP53	P- TAG INSPECT 5/25/22 0700a JCP53	S/L DHL 0100 5/26/22 VRF#34	S/L APL 0200 OMT VRF#34	S/L APL 0600 5/27 VRF#34	S/L 5/27 0200 APL VRF34	S/L 5/27 0700 MSA VRF34	TAG NC 13-17 APL 5/28 HBB79	D CARSON 5/28 1600HBB79
OFFICER I																									
OFFICER I																									
					P 5/12 2100 MINEN TTK VRF#34	P 5/13 OLMT/MSA- KOTA RAJA VRF#34	1800 05/14 GRIT CEMENT FOA60 1357 ML	ML AMBYTH DEPARTURE @AIRPORT 5/15 JFA59	ML UPS 5/15 1400 HBB79	ML FEDEX 5/15 1500 HBB79	ML PAC UNLIMITED 5/15 HBB79 1630	IDI 1800 5/15 HBB79 ML	D BALDWIN 2200HRS 5/17/22 AGC109	NC 5/22 0900 MSA TUG VRF#34	D- ST MICHAELIS (TANKER) 0430a 5/23/22 JCP53	D-DHL 0500a 5/23/22 JCP53	NC 5/24/2022 MANULANI CMT VJC43	D- MINEN CHUUK 5/24/22 2100p JCP53	D- JOSRIAN JOHNTHAN 5/25/22 @ 2200 HRS. RPT#49	2359 05/26 HERODOTE FOA60 1601 D	P YUDU TROG 5/26 2000 VRF#34	D 5/27 0200 APL VRF34	D 5/27 0700 MSA VRF34	D 5/28 TAG 13- 17 APL HBB79	D CARSON 5/28 1600HBB79
OFFICER I																									
OFFICER II																									
					D- TEJAY'S FISH 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1625 NC	1800 05/14 GRIT CEMENT FOA60 1358 D	P AMBYTH DEPARTURE @AIRPORT 5/15 JFA59	COST U LESS 1600 D HBB79 5/15	D PACIFIC UNLIMITED 5/15 HBB79 1630	UPS INSP 1730 5/15 HBB79 D	IDI 1800 5/15 HBB79 D	D VESSEL CLEARANCE "RUNAWAY" AGAT MARINA @ 2000 5/17 MPQ99	D 5/22 0900 MSA TUG VRF#34	P FEDEX @ 1500 5/22 MPQ99	D- DHL 0500a 5/23/22 JCP53	P MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	D- MINEN CHUUK 5/24/22 2100p JCP53	P EXPRESS LOGISTICS @ 1830 MPQ99	2359 05/26 HERODOTE FOA60 1603 D	1830 05/26 IKKO FOA60 1649 D	NC 5/27 0200 APL VRF34	D AST 5/28 0830 BAGGAGE VRF34	D 5/28 TAG 13- 17 APL HBB79	D CARSON 5/28 1600HBB79
OFFICER II																									
					D- TEJAY'S FISH 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1626 OL	1800 05/14 GRIT CEMENT FOA60 1358 OL	OL HARRISON IGNACIO 5/15 JFA59	OL UPS DOCS HBB79 1400 5/15	OL FEDEX 5/15 1500 HBB79	OL PAC UNLIMITED 5/15 HBB79 1630	IDI 1800 5/15 HBB79 OL	D BALDWIN 2200HRS 5/17/22 AGC109	NC 5/22 0900 MSA TUG VRF#34	D FEDEX @ 1500 5/22 MPQ99	D UPS @ 1730 5/22 MPQ99	P GRMC @ 1830 5/24 MPQ99	P- JIMMY WHOLESALE 5/24/22 2100p JCP53	P ULTRA MARKETING @ 1815 5/25 MPQ99	2359 05/26 HERODOTE FOA60 1604 D	1830 05/26 IKKO FOA60 1650 D	D 5/27 0200 APL VRF34	P 5/27 0700 MSA VRF34	D PAYLESS 1500 HBB79 5/28	D CARSON 5/28 1600HBB79
SUPERVISOR																									
					P- PPC 5/12/22 @ 0900 HRS. RPT#49	P- AMERICAN GROC 5/12/22 @ 1100 HRS RPT#49	D- MSA TAMARAW 5/15/2022 RJM84 VCT	D HARRISON IGNACIO 5/15 JFA59	D- DHL 5/16/22 0500a JCP53	P-MATSON CDMT 0800HRS 5/17/2022 RJM84	D MATSON WINDOW SVC @ 1700 5/17 MPQ99	D MATSON PPQ SEAL @ 1900 5/17 MPQ99	P LUEN FUNG @ 0900 5/18 MPQ99	P- LINDEN 5/18/22 @ 1100 HRS AGC#109	P- ST MICHAELIS (TANKER) 0430a 5/23/22 JCP53	D-MATSON CDMT MANULANI 5/23/2022 RJM84	D MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	P- PACIFIC PRODUCE 5/25/22 0800a JCP53	D 5/25/2022 PAYLESS PDC VJC43	D 5/25/2022 IDI VJC43	D 0200 APL OMT 5/27 VRF34	P 5/27 0830 OMT MSA VRF34	D AST 5/28 0830 BAGGAGE VRF34	D BURNETTE STORE 5/29 JFA59	D- SHROOK HEALTHY GREEN PRODUCE 5/30/22 0800a JCP53
OFFICER I																									
					T/W/TH 0100-1000 SUN/MON 0100-0900 RDO'S FRI/SAT ANNUAL LEAVE 14-23 MAY 2022																				
OFFICER II																									
OFFICER I																									
OFFICER II																									
					D AVIATION/HAR PER 2215 HBB79	P- JAE HOON 5/12/22 @ 0900 HRS. RPT#49	1800 05/14 GRIT CEMENT FOA60 1402 D	P KUOP FISH 5/15 JFA59	COST U LESS 1600 D HBB79 5/15	D PACIFIC UNLIMITED 5/15 HBB79 1630	UPS INSP 1730 5/15 HBB79 D	IDI 1800 5/15 HBB79 D	P- JAE HOON @ 1000 5/18/22 AGC#109	D 5/21 2200 DAVID VRF#34	AL FEDEX @ 1500 5/22 MPQ99	AL UPS @ 1730 5/22 MPQ99	D MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	P- JAE HOON 5/25/22 1000a JCP53	P LINDEN DIST @ 1130 5/25 MPQ99	1400 05/26 IDI FOA60 1032 D	1830 05/26 IKKO FOA60 1653 D	D 5/27 APL 0200 VRF34	D AST 5/28 0830 BAGGAGE VRF34	D 5/28 TAG 13- 17 APL HBB79	D UPS @ 1400 5/29 MPQ99
OFFICER III																									
OFFICER I																									
OFFICER I																									

OFF DUTY SERVICE STAND-BY LISTING FOR THE PERIOD OF MAY 10 - 30, 2022

OFFICER I				AVAILABLE 2000-2400 ROO'S SAT/SUN	P- ROBLD MORI 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1635 NC	1900 05/14 PAC UNLIM FOA60 1440 D	D REGINA RAIGETAL 5/15 JFA59	UPS DOCS 5/15 1400 HBB79 NC	NC FEDEX 5/15 1500 HBB79	NC PAC UNLIMITED 5/15 HBB79 1630	IDI 1800 5/15 HBB79 NC	D 5/18/2022 PAYLESS PDC VJC43	NC SAIO MARKET 5/22/22 @ 0800 HRS CJB # 102	D PACIFIC UNLIMITED @ 1 630 5/22 MPQ99	D UPS @ 1730 MPQ99	NC ALICE MEDELEC @ 2100 5/24 MPQ99	D- MARLY SPENCER 5/24/22 2100p JCP53	D- TARO MORI 5/25/22 @ 2200 HRS RPT#49	2359 05/26 HERODOTE FOA60 1611 D	1900 05/26 PAC UNLIM FOA60 1700 NC	NC 5/26 2200 PETRUS VRF34	NC 5/27.0200 APL VRF34	ASIA 360/JL BAKER P 1430 HBB79 NC	NC FEDEX @ 1500 5/29 MPQ99
OFFICER I				M/T/W 0400-1300 TH/F 0800-1600 ROO'S SAT/SUN	D- BALDWIN TITHINYINUG 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1640 OL	1900 05/14 PAC UNLIM FOA60 1441 OL	OL REGINA RAIGETAL 5/15 JFA59	UPS DOCS 5/15 1400 HBB79 OL	OL FEDEX 5/15 1500 HBB79	OL PAC UNLIMITED 5/15 HBB79 1630	IDI 1800 5/15 HBB79 OL	D 5/18/2022 PAYLESS PDC VJC43	D SAIO MARKET 5/22/22 @ 0800 HRS CJB # 102	D PACIFIC UNLIMITED @ 1 630 5/22 MPQ99	D UPS @ 1730 MPQ99	D MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	D- MARLY SPENCER 5/24/22 2100p JCP53	P 5/25/2022 PAYLESS PDC VJC43	2359 05/26 HERODOTE FOA60 1612 D	1900 05/26 PAC UNLIM FOA60 1701 P	D 5/26 2200 PETRUS VRF34	D 5/27.0200 APL VRF34	ASIA 360/JL BAKER P 1430 HBB79 D	D FEDEX @ 1500 5/29 MPQ99
OFFICER I					D- BALDWIN TITHINYINUG 5/11/22 @ 2200 HRS RPT#49	0100 KYOWASTORK FOA60 05/13 1655 NC	1900 05/14 PAC UNLIM FOA60 1442 NC	NC REGINA RAIGETAL 5/15 JFA59	D MATSON WINDOW SVC @ 1700 5/17 MPQ99	D MATSON PPO SEAL @ 1900 5/17 MPQ99	D VESSEL CLEARANCE "RUNAWAY" AGAT MARINA @ 2000 5/17 MPQ99	D PAC UNLIMITED @ 1900 5/18 MPQ99	D-DHL 1000 5/21/2022 RJM84	D SAIO MARKET 5/22/22 @ 0800 HRS CJB # 102	NC PACIFIC UNLIMITED @ 1 630 5/22 MPQ99	NC UPS @ 1730 MPQ99	D MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	NC- MARLY SPENCER 5/24/22 2100p JCP53	NC- TARO MORI 5/25/22 @ 2200 HRS RPT#49	2359 05/26 HERODOTE FOA60 1613	1803 NC APL 5/27.0200 VRF34	NC 5/26 2200 PETRUS VRF34	NC 5/27.0200 APL VRF34	ASIA 360/JL BAKER P 1430 HBB79 NC	NC FEDEX @ 1500 5/29 MPQ99
OFFICER II																									
OFFICER I																									
SUPERVISOR					1830 EXP LOG FOA60 05/12 1438 P	2300 KYOWASTORK FOA60 05/13 1641 D	1900 05/14 PAC UNLIM FOA60 1443 P	NC REGINA RAIGETAL 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 NC	NC FEDEX 5/15 1500 HBB79	P PAC UNLIMITED 5/15 HBB79 1630	D VESSEL CLEARANCE "RUNAWAY" AGAT MARINA @ 2000 5/17 MPQ99	D-DHL 1000 5/21/2022 RJM84	NC SAIO MARKET 5/22/22 @ 0800 HRS CJB # 102	NC PACIFIC UNLIMITED @ 1 630 5/22 MPQ99	D UPS @ 1730 5/22 MPQ99									
OFFICER II					P 5/12.2100 FAIRO MARKET VRF#34	2300 KYOWASTORK FOA60 05/13 1642 D	1700 05/14 YUDU FOA60 1503 D	D REGINA RAIGETAL 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 D	D FEDEX 5/15 1500 HBB79	D UPS INSP 5/15 HBB79 1730	IDI 1800 5/15 HBB79 D	P-DHL 1000 5/21/2022 RJM84	P SAIO MARKET 5/22/22 @ 0800 HRS CJB # 102	P PACIFIC UNLIMITED @ 1 630 5/22 MPQ99	P- FEDEX 0500 5/23/22 JCP53	P ALICE MEDELEC @ 2100 5/24 MPQ99	D 5/25/2022 LIQUID SOUL VJC43	P- TARO MORI 5/25/22 @ 2200 HRS RPT#49	2359 05/26 HERODOTE FOA60 1613 D	D APL 0200 5/27 VRF34	P 5/26 2100 PETRUS VRF34	D AST 5/28.0830 BAGGAGE VRF34	ASIA 360/JL BAKER P 1430 HBB79 P	D FEDEX @ 1500 5/29 MPQ99
OFFICER III					0100 KYOWASTORK FOA60 05/13 1652 D	P-0800HRS 1 FISH STORE 5/14/2022 RJM84	1700 05/14 YUDU FOA60 1503 D	P REGINA RAIGETAL 5/15 JFA59	P UPS INSP 5/15 1730 HBB79	D VESSEL CLEARANCE "RUNAWAY" AGAT MARINA @ 2000 5/17 MPQ99	P- EDWARD TAMAN 5/17/22 @ 2200 HRS. AGC#109	P PAC UNLIMITED @ 1900 5/18 MPQ99	P-KEN TSAI 5/22/2022 RJM84	P ANDY KID 5/22/22 @ 0830 HRS CJB # 102	P IDI @ 1800 MPQ99	P- TRIPLER 8 FREIGHT FOWARDERS 0700 5/23/22 JCP53	P MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	P- MARLY SPENCER 5/24/22 2100p JCP53	P- CHARLOTTE WALTU 5/25/22 @ 2200 HRS. RPT#49	2359 05/26 HERODOTE FOA60 1614 D	D APL 5/27.0200 OMT VRF34	P 5/27.0600 SIGEYOZ VRF34	P AST 5/28.0830 BAGGAGE VRF34	1500 05/28 APL FOA60 1242 P	D FEDEX @ 1500 5/29 MPQ99
OFFICER III					NC- BALDWIN TITHINYINUG 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1643 NC	1700 05/14 YUDU FOA60 1504	NC ROCKSTAR CHARTERS DEPT CLEARANCE 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 NC	NC FEDEX 5/15 1500 HBB79	NC UPS INSP 5/15 HBB79 1730	IDI 1800 5/15 HBB79 NC	NC-MSA TUG TAMARAW VCT 1100HRS 5/21/2022 RJM84	NC BURNETTE'S STORE 5/22/22 @ 0800 HRS CJB # 102	NC UPS @ 1730 5/22 MPQ99	NC PACIFIC UNLIMITED @ 1830 5/22 MPQ99	NC MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	NC 5/25/2022 LIQUID SOUL VJC43	NC- EDWARD TAMAN 5/25/22 @ 2200 HRS. RPT#49	2359 05/26 HERODOTE FOA60 1617	D APL 5/27.0200 OMT VRF34	NC 5/27 0530 A7D MART VRF34	NC AST 5/28.0830 BAGGAGE VRF34	NC CARSON 1600 HBB79	NC FEDEX @ 1500 5/29 MPQ99
OFFICER I					P- BALDWIN TITHINYINUG 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1643 D	1700 05/14 YUDU FOA60 1505 D	D ROCKSTAR CHARTERS DEPT CLEARANCE 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 D	D FEDEX 5/15 1500 HBB79	NC UPS INSP 5/15 HBB79 1730	IDI 1800 5/15 HBB79 D	D-MSA TUG TAMARAW VCT 1100HRS 5/21/2022 RJM84	P BURNETTE'S STORE 5/22/22 @ 0800 HRS CJB # 102	NC UPS @ 1730 5/22 MPQ99	NC PACIFIC UNLIMITED @ 1830 5/22 MPQ99	NC MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	NC 5/25/2022 LIQUID SOUL VJC43	D- EDWARD TAMAN 5/25/22 @ 2200 HRS. RPT#49	2359 05/26 HERODOTE FOA60 1617 D	D APL 0200 5/27 VRF34	P 5/27.0530 A7D MART VRF34	D AST 5/28.0830 BAGGAGE VRF34	D CARSON 1600 HBB79	NC FEDEX @ 1500 5/29 MPQ99
OFFICER I																									
OFFICER I																									
OFFICER I					D- EDWARD TAMAN 5/11/22 @ 2200 HRS RPT#49	2300 KYOWASTORK FOA60 05/13 1647 P	1700 05/14 YUDU FOA60 1506 NC	NC ROCKSTAR CHARTERS DEPT CLEARANCE 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 NC	NC FEDEX 5/15 1500 HBB79	NC UPS INSP 5/15 HBB79 1730	IDI 1800 5/15 HBB79 NC	P-MSA TUG TAMARAW VCT 1100HRS 5/21/2022 RJM84	NC BOB 5/22/22 @ 1000 HRS CJB # 102	NC UPS @ 1730 5/22 MPQ99	NC PACIFIC UNLIMITED @ 1830 5/22 MPQ99	NC- BALDWIN 5/24/22 2100p JCP53	D ANDERSEN PET LODGE @ 1830 5/25 MPQ99	NC- EDWARD TAMAN 5/25/22 @ 2200 HRS RPT#49	2359 05/26 HERODOTE FOA60 1619 D	NC APL 0200 5/27 VRF34	P APL XRAY 5/28.0600- COMP VRF34	P 5/28.2200 S&D MART VRF34	P BURNETTE STORE 5/29 JFA59	NC FEDEX @ 1500 5/29 MPQ99
OFFICER II																									
OFFICER I					D- EDWARD TAMAN 5/11/22 @ 2200 HRS RPT#49	0100 KYOWASTORK FOA60 05/13 1655 NC	1700 05/14 YUDU FOA60 1506	NC ROCKSTAR CHARTERS 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 NC	NC FEDEX 5/15 1500 HBB79	NC UPS INSP 5/15 HBB79 1730	IDI 1800 5/15 HBB79 NC	D LUEN FUNG @ 0900 5/18 MPQ99	NC BOB 5/22/22 @ 1000 HRS CJB # 102	NC UPS @ 1730 5/22 MPQ99	NC PACIFIC UNLIMITED @ 1830 5/22 MPQ99	D- WINDOW SERV. 0600 5/25/22 JCP53	D- LUEN FUNG 5/25/22 0900 5/25/22 JCP53	NC- EDWARD TAMAN 5/25/22 @ 2200 HRS RPT#49	2359 05/26 HERODOTE FOA60 1619	NC 5/27 0200 APL VRF34	D AST 5/28 1300VRF34	APL WINDOW 13-17 5/28 HBB79 NC	NC CARSON 1600 HBB79	NC FEDEX @ 1500 5/29 MPQ99
OFFICER I					D- EDWARD TAMAN 5/11/22 @ 2200 HRS. RPT#49	0100 KYOWASTORK FOA60 05/13 1655 NC	1700 05/14 YUDU FOA60 1506	D ROCKSTAR CHARTERS 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 D	D FEDEX 5/15 1500 HBB79	D UPS INSP 5/15 HBB79 1730	IDI 1800 5/15 HBB79 D	NC-MSA TUG TAMARAW VCT 1100HRS 5/21/2022 RJM84	NC BOB 5/22/22 @ 1000 HRS CJB # 102	D UPS @ 1730 5/22 MPQ99	D PACIFIC UNLIMITED @ 1830 5/22 MPQ99									
OFFICER I					P- LUEN FUNG 5/12/22 @ 0900 HRS RPT#49	0100 KYOWASTORK FOA60 05/13 1702 D	1700 05/14 YUDU FOA60 1514 D	NC ROCKSTAR CHARTERS 5/15 JFA59	D-MATSON VCT 0600HRS 5/17/2022 RJM84	D DHL @ 0500 5/18 MPQ99	D PACIFIC PRODUCE @ 0900 5/18 MPQ99	D- LUEN FUNG @ 0900 5/18 MPQ99	D-MSA TUG TAMARAW VCT 1100HRS 5/21/2022 RJM84	NC BOB 5/22/22 @ 1000 HRS CJB # 102	D-ST MICHAELIS (TANKER) 0430 5/23/22 JCP53	D- TUG/BARGE S2011 (MSA) 5/25/22 JCP53	P- WINDOW SERV. 0600 5/25/22 JCP53	P- LUEN FUNG 5/25/22 0900 5/25/22 JCP53	D 5/25/2022 PAYLESS PDC VJC43	D 5/25/2022 IDI VJC43	NC 5/27 0200 APL VRF34	D 0700 5/27 MSA VRF34	NC AST 5/28 0700 VRF34 VCT	P- QUALITY DISTR. 5/30/22 0800 5/30/22 JCP53	D DHL @ 0100 5/31 MPQ99
OFFICER II					NC- EDWARD TAMAN 5/11/22 @ 2200 HRS. RPT#49	0100 KYOWASTORK FOA60 05/13 1704 D	D-MSA TAMARAW 5/15/2022 RJM84 VCT	D ROCKSTAR CHARTERS 5/15 JFA59	UPS DOCS 1400 5/15 HBB79 D	D FEDEX 5/15 1500 HBB79	D UPS INSP 5/15 HBB79 1730	IDI 1800 5/15 HBB79 D	NC- QUALITY DIST @ 1000 5/18/22 AGC#109	D BOB 5/22/22 @ 1000 HRS CJB # 102	NC UPS @ 1730 5/22 MPQ99	NC PACIFIC UNLIMITED @ 1830 5/22 MPQ99	D MATSON WINDOW SERVICE @ 1700 5/24 MPQ99	NC- JAE HOON 5/25/22 1000 5/25/22 JCP53	NC 5/25/2022 PAYLESS PDC VJC43	NC 5/25/2022 IDI VJC43	NC 5/27 0200 APL VRF34	D 0700 5/27 MSA VRF34	NC AST 5/28 0700 VRF34 VCT	NC CARSON 5/28 HBB79	NC FEDEX @ 1500 5/29 MPQ99
OFFICER I																									
OFFICER I																									

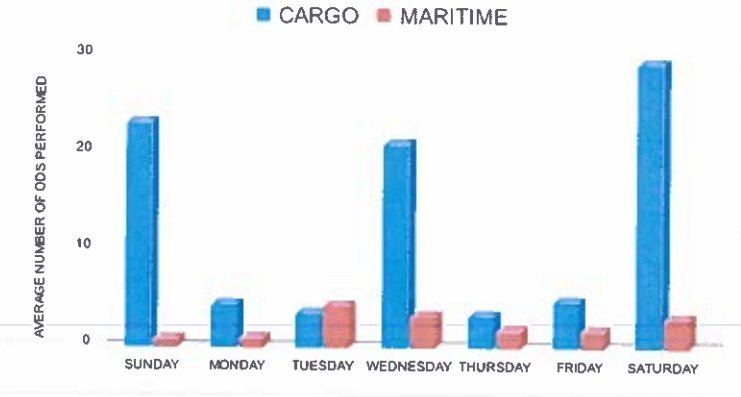
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	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/1/22	5/2/22	5/3/22	5/4/22	5/5/22	5/6/22	5/7/22
CARGO	21	4	4	23	7	7	8
MARITIME	1	0	4	2	0	2	5
TOTAL	22	4	8	25	7	9	13
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/8/22	5/9/22	5/10/22	5/11/22	5/12/22	5/13/22	5/14/22
CARGO	24	5	2	12	13	5	8
MARITIME	0	0	1	4	3	3	2
TOTAL	24	5	3	16	16	8	10
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/15/22	5/16/22	5/17/22	5/18/22	5/19/22	5/20/22	5/21/22
CARGO	23	4	8	11	9	4	10
MARITIME	2	0	4	3	0	1	1
TOTAL	25	4	12	14	9	5	11
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/22/22	5/23/22	5/24/22	5/25/22	5/26/22	5/27/22	5/28/22
CARGO	21	5	11	18	9	7	13
MARITIME	0	2	2	5	2	5	6
TOTAL	21	7	13	23	11	12	19
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/29/22	5/30/22	5/31/22				
CARGO	13	11	8				
MARITIME	1	0	4				
TOTAL	14	11	12				
DAILY AVERAGE							
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
CARGO	20	6	7	16	10	6	10
MARITIME	1	0	3	4	1	3	4



	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
							5/1/21
CARGO							38
MARITIME							2
TOTAL							40
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/2/21	5/3/21	5/4/21	5/5/21	5/6/21	5/7/21	5/8/21
CARGO	24	3	5	19	3	5	36
MARITIME	0	0	3	0	4	5	6
TOTAL	24	3	8	19	7	10	42
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/9/21	5/10/21	5/11/21	5/12/21	5/13/21	5/14/21	5/15/21
CARGO	31	2	3	30	4	3	25
MARITIME	2	2	4	0	0	0	2
TOTAL	33	4	7	30	4	3	27
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/16/21	5/17/21	5/18/21	5/19/21	5/20/21	5/21/21	5/22/21
CARGO	20	3	4	9	4	5	25
MARITIME	0	0	4	8	2	1	1
TOTAL	20	3	8	17	6	6	26
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/23/21	5/24/21	5/25/21	5/26/21	5/27/21	5/28/21	5/29/21
CARGO	22	3	2	26	2	6	23
MARITIME	1	2	6	5	1	1	6
TOTAL	23	5	8	31	3	7	29
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	5/30/21	5/31/21					
CARGO	19	11					
MARITIME	1	1					
TOTAL	20	12					
AVERAGE							
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
CARGO	23	4	4	21	3	5	29
MARITIME	1	1	4	3	2	2	3

DAILY AVERAGE OFF-DUTY SERVICES PERFORMED



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CH. 73 CUSTOMS & QUARANTINE AGENCY

CHAPTER 73
CUSTOMS & QUARANTINE AGENCY

- Article 1. Operations & Duties.
- Article 2. Carrier Off-duty Services Revolving Fund.
- Article 3. Plant Quarantine Services.
- Article 4. Customs Forfeiture Fund and Asset Forfeiture.

NOTE: Public Law 22-112 (effective 10/1/94) separated the Customs & Quarantine Division of the Department of Commerce into its own separate CUSTOMS & QUARANTINE AGENCY. This was accomplished by adding a new §3127 to Title 5, GCA, creating this new Agency. Uncodified Section 3 of P.L. 22-122 effectuates the separation by providing:

(a) **Transfer of Personnel, Property, and Equipment from the Division to the New Customs and Quarantine Agency.** All personnel of the Division shall be transferred to the Agency established in §3127, Title 5, Guam Code Annotated, as set out in Section 2 of this Act, with all duties, responsibilities, and compensation intact, and with no lapse in service to the government of Guam. In addition, all the property and equipment of the Division shall be transferred to the Agency.

(b) **Enforcement of Laws Relative to Customs and Quarantine.** The Agency is authorized to implement and enforce the provisions of Chapter II of Title XLIV of the Government Code [this Chapter of the Guam Code Annotated] and all rules, regulations, and executive orders relative to customs and quarantine functions of the government of Guam.

(c) **Reports to the Legislature: The Department of Law, the Department, the Division, and the Bureau of Budget and Management Research.** The Department of Law shall review the laws, rules, regulations, and executive orders now in effect on the customs and quarantine functions of the government of Guam and shall make a report with recommendations for updating and improving these laws, rules, regulations, and executive orders to the Legislature and to the Governor no later than June 1, 1994. The Department, the Division, and the Bureau of Budget and Management Research shall each review the impact of the creation of the Agency on the custom and quarantine responsibilities of the government of Guam and shall each submit a report on such impact to the Legislature and to the Governor no later than June 1, 1994.

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**ARTICLE 1
OPERATIONS & DUTIES**

- § 73101. Imports Prohibited.
- § 73102. Powers of Customs Officers.
- § 73103. Classification of Persons Arriving in Guam.
- § 73104. Entry by Consignee.
- § 73105. Consignee.
- § 73106. Prohibited Imports.
- § 73107. Guard on Vessels.
- § 73108. Clearance Requirements.
- § 73109. Definitions.
- § 73110. Manifest.
- § 73111. Manifest Delivered to Customs Officer.
- § 73112. Penalty. [Repealed]
- § 73113. Vessel Exemptions.
- § 73114. Merchandise for Other Ports.
- § 73115. Place of Unloading.
- § 73116. Unloading Prohibition.
- § 73117. Unloading Penalties.
- § 73118. Oaths.
- § 73119. Merchandise Taken into Custody.
- § 73120. Sale of Merchandise.
- § 73121. Sale of Merchandise; Storage; Fees, Lien, Sale.
- § 73122. Sale of Merchandise: Destruction or Damage.
- § 73123. Sale of Merchandise: Destruction by Authorities.
- § 73124. Sale of Merchandise: Proceeds of Sale: Claims.
- § 73125. Bonds.
- § 73126. Examination of Baggage.
- § 73127. Declaration.
- § 73128. Inspection of Imports.
- § 73129. Contempt.
- § 73130. False Swearing.
- § 73131. Liability of Customs Officials.
- § 73132. Notice of Lien.
- § 73133. Fines and Penalties.
- § 73134. Penalty: Opium.
- § 73135. Penalty: Failure to Report Prior to Departure.
- § 73136. Penalty: Fraud.
- § 73137. Certificates of Origin.

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- § 73138. Charges for Services of Customs and Quarantine Officers. [Repealed]
- § 73139. Customs & Quarantine Overtime Fund. [Repealed]
- § 73140. Exemption for Export Trading Companies.
- § 73141. Place of Inspection.
- § 73142. Release of Sealed Cargo.
- § 73143. Release of Sealed Cargo: Penalties.
- § 73144. Promulgation of Rules and Regulations.
- § 73145. Customs, Agriculture, and Quarantine Inspection Services Charge Established.
- § 73146. Initial Service Charges.
- § 73147. Authorization for Customs and Quarantine Agency and the Guam Airport Authority to collect Customs, Agriculture, and Quarantine Inspection Services Charges.
- § 73148. Guam Airport Authority Reimbursement Agreement.
- § 73149. Deposit of Customs, Agriculture and Quarantine Inspection Services Charge in Customs, Agriculture and Quarantine Inspection Services Fund.
- § 73150. Penalties for Non-payment or Late Payment of Customs, Agriculture, and Quarantine Inspection Services Charge.
- § 73151. Rules and Regulations for Customs, Agriculture, and Quarantine Inspection Services Charge.
- § 73152. Customs and Agriculture Inspections Services Fund.
- § 73153. Customs Fines and Penalties Revolving Fund.
- § 73154. Penalties and Payments.
- § 73155. Severability.
- § 73156. Annual Customs Officer Training Cycle.

§ 73101. Imports Prohibited.

All persons are prohibited from importing into Guam the following:

- (a) Printed matters or pictures of a seditious nature or of an obscene or immoral character.
- (b) Any article, manufactured or for manufacture or sale, or adulterated or misbranded or deleterious food, drugs, medicines and liquors.

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(c) [Repealed.]

SOURCE: GC § 47100. Subsection (c) added by P.L. 11-193 (12/07/72); amended by P.L. 13-187:231 (01/01/78). Subsection (c) repealed by P.L. 14-141:18 (08/31/78).

NOTE: P.L. 14-141 added a new Article to 9 GCA Chapter 67 (Uniform Controlled Substances Act) specifically dealing with the importation of controlled substances. Thus, this subsection became superfluous and was repealed accordingly.

CROSS-REFERENCES: 9GCA Chapter 67, Art. 6, commencing with §67.88.

See 10 GCA § 32303 regarding the importation of dogs and cats and other animals.

§ 73102. Powers of Customs Officers.

Any Customs Officer may:

(1) arrest persons who violate a prohibition contained in Article 6 of Title 9 GCA Chapter 67;

(2) make seizures of any controlled substance imported into Guam in violation of Article 6 of Title 9 GCA Chapter 67;

(3) arrest persons who violate a prohibition contained in Chapter 47 of Title 9 GCA; and

(4) make seizures of any forged or counterfeit goods imported into Guam in violation of Chapter 47 of Title 9 GCA.

SOURCE: GC § 47100.1 added by P.L. 11-193; amended by P.L. 13-58:2; amended by P.L. 18-7:231; repealed/reenacted by P.L. 14-141:18 (08/31/78). Amended by P.L. 27-072:4

NOTE: GC § 47100.2 (Drug Amnesty Box at Airport and Customs Form) was added by P.L. 14-143:20 and repealed by P.L. 17-44:1.

§ 73103. Classification of Persons Arriving in Guam.

(a) Persons arriving from foreign countries are divided into two classes for the purpose of these regulations, first, residents of Guam and second, all other persons.

(b) Personnel of the Armed Forces of the United States ordered to duty in Guam or to any U.S. ship stationed at Guam are

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classified for customs purposes as residents of Guam effective from date of reporting for duty.

(c) Any United States citizen coming to reside in Guam for a period of longer than thirty days will be regarded as a resident of Guam for the purpose of customs regulations.

SOURCE: GC § 47101.

§ 73104. Entry by Consignee.

(a) Requirement and time. Except as otherwise provided, the consignee of imported merchandise shall make entry therefor either in person or by an agent authorized by him in writing to the Customs House within 48 hours, exclusive of Sundays and holidays, after the entry of the importing vessel, unless the collector authorized in writing, a legal time.

(b) Packages included. If any of the certificates or documents necessary to make entry of any part of merchandise arriving on one vessel and consigned to one consignee have not arrived, such part may be entered subsequently, and notation of the packages or cases to be omitted from the original entry shall be made thereon. One or more packages arriving on one vessel addressed for delivery to one person and imported in another package containing packages addressed for delivery to other persons may be separately entered. All other merchandise arriving on one vessel and consigned to one consignee shall be included in one entry.

(c) Entry on carrier's certificate. Any person certified by the carrier bringing the merchandise to the port at which entry is to be made, to be the owner or consignee of the merchandise, or an agent of such owner or consignee, may make entry thereof either in person or by an authorized agent.

(d) Entry on duplicate bill of lading. Any person may, upon the production of a duplicate bill of lading signed or certified to be genuine by the carrier bringing the merchandise to the port at which entry is to be made, make entry for the merchandise in respect of which such bill of lading is issued, except that such person shall make such entry in his own name.

SOURCE: GC § 47102.

§ 73105. Consignee.

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All articles, goods, wares or merchandise imported into Guam for the purpose of these regulations shall be deemed and held to be the property of the person to whom the same may be consigned; but the holder of any bill of lading, drawn to the order and indorsed by the co-signer, shall be deemed the consignee thereof; and in case of the abandonment of any article, goods, wares or merchandise to the underwriters, the latter may be recognized as the consignee.

SOURCE: GC § 47103.

§ 73106. Prohibited Imports.

(a) Importation Prohibited. If the laws or regulations of any country, dependency, province or other subdivision of government restrict the taking, killing, possession or exportation to the United States, or its possessions, of any wild mammal or bird, alive or dead, or restrict the exportation to the United States or its possessions or any part or product of any wild mammal or bird, whether raw or manufactured, no such mammal or bird or part or product thereof shall be imported into Guam from such country, dependency, province or other subdivision of government, directly or indirectly, unless accompanied by a certification of the United States consul, for the consular district in which is located the port or place from which such mammal or bird, or part or product thereof, was exported from such country, dependency, province, or other subdivision of government, that such mammal or bird, part or product thereof, has not been acquired or exported in violation of the laws or regulations of such country, dependency, province or other subdivision of government.

(b) Forfeiture. Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured imported into Guam in violation of the provisions of the preceding subdivision shall be subject to seizure and forfeiture under the customs regulations. Any such article so forfeited may, in the discretion of the Governor, be placed with the departments or bureaus of the government or with societies or museums, for exhibition or scientific or educational purposes, or destroyed or sold.

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(c) When Section not Applicable. The provisions of this section shall not apply in the case of:

(1) Prohibited importations — articles, the importation of which is prohibited under the provisions of regulations, or of any laws;

(2) Scientific or educational purposes — wild mammal or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) Certain migratory game birds — migratory game birds brought into Guam by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

SOURCE: GC § 47104.

CROSS-REFERENCES: See 5 GCA § 63124 for further laws governing the importation of game birds or animals.

NOTE: GC § 47104.1 (Permitting Slot Machines at the Air Terminal Gaming Zone) was enacted by P.L. 13-135 and repealed, together with the Zone, itself, by P.L. 19-19:28.

§ 73107. Guard on Vessels.

Every commercial vessel entering a port of Guam or anchoring or *lying to* in Guam waters shall be placed under guard during her stay.

SOURCE: GC § 47105.

§ 73108. Clearance Requirements.

(a) Any Customs Officer may board and examine any privately owned, privately leased, commercially owned, or commercially leased aircraft, vessel, or contrivance arriving into Guam when it is necessary to carry out the provisions of applicable laws of Guam or the United States, any rule or regulation promulgated thereunder, any regulatory or enforcement agreement entered, or any public health and quarantine purpose, and may further require the master or captain thereof to exhibit for examination by the Customs Officer the manifest or any documents or papers, or any trunk, package or cargo on board, or

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any compartment, storage area, cabin, galley, cockpit, lavatory, or any section of the vessel or aircraft. Any master, captain, or person on any conveyance shall submit to the lawful instructions of a Customs Officer from the time of boarding until such time the Customs Officer disembarks and authorization to proceed with unloading operations is granted. Any master, captain, or person on any conveyance who fails to abide by lawful instructions or obstructs the official duties of a Customs Officer shall be liable for fines and penalties under this Chapter in addition to appropriate offenses contained in 9 GCA Chapter 55.

(1) Prior Notice Requirement. Under penalty and apart from the manifest requirements provided in this Chapter, masters or their authorized agent of all vessels or aircrafts must provide a notice of arrival with the following information to the appropriate customs port of entry:

(A) For Vessels. Forty-eight (48) hours prior to arrival, a notice of arrival containing the following information shall be submitted:

- (i) vessel name, voyage number, and national country of registry;
- (ii) type of vessel;
- (iii) date of arrival;
- (iv) Guam seaport of arrival;
- (v) break-water/or pilot on board time;
- (vi) assigned pier or wharf of berth;
- (vii) berth time;
- (viii) number of crew and passengers;
- (ix) last port of entry; and
- (x) purpose of arrival into Guam.

(B) For Aircraft. Thirty (30) minutes upon departure from origin, commercial, privately owned, or privately operated aircrafts intended to arrive in Guam

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shall submit a notice of arrival containing the following information:

- (i) Guam airport or airfield of arrival;
- (ii) aircraft operating name, flight number, registration number, and country of registration;
- (iii) origin and last airport of departure;
- (iv) date and estimated time of arrival; and
- (v) number of transiting and terminating crew and passengers.

(C) Exceptions. Vessel and aircraft arriving into Guam under exigent or emergency circumstances wherein Guam was not their intended destination, are exempted from Parts (A) and (B) of this Subsection. Notwithstanding the prior notice requirement, vessels or aircraft arriving under the above circumstances shall require clearance as mandated herein.

(b) Any individual who is not a Customs Officer or is not duly authorized by Customs, and who goes on board any vessel, aircraft, or conveyance before entry and clearance has thereto been granted, shall be fined a penalty under this Chapter, or imprisoned for not more than six (6) months, or both. The master or pilot of such vessel, aircraft, or conveyance may take such person into custody, and deliver him up forthwith to any Customs Officer or law enforcement officer, to be taken by him before any committing magistrate, to be dealt with according to law.

(c) Under penalty as prescribed by this Chapter, no vessel, aircraft, or conveyance may commence any activity or unloading operations without Customs' presence, permit or authorization and clearance. The master or agent of each privately owned, privately operated, commercially owned, or commercially leased vessel, aircraft, or contrivance shall accomplish clearance requirements within five (5) days after meeting the forty-eight (48) hours required for entry. Every consignee of imported merchandise after having accomplished entry for their imported merchandise, either in person or by an agent authorized by him in writing to the Customs House shall accomplish clearance

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requirements within five (5) days following entry, exclusive of Sundays and holidays, unless the Collector is authorized in writing, a legal time.

(d) Departures.

(1) No aircraft, vessel, or contrivance shall be cleared for departure until all the cargo manifested for import to Guam has been unladed, entry has been made, and was properly accounted for.

(2) Prior to the departure of any aircraft, vessel, or contrivance, the master shall deposit with the Customs Officer at the port or airport, a manifest of the outward cargo of such vessel or aircraft, specifying the marks and numbers of packages, a description of their contents, with the names of shippers and consignees; and also the names of passengers and their destination. A departure clearance will then be granted to the vessel or aircraft.

SOURCE: GC § 47106. Amended by P.L. 35-105:2 (Oct. 30, 2020).

2021 NOTE: This provision was formerly entitled “Clearing Vessels” and was renamed by P.L. 35-105:2 (Oct. 30, 2020).

§ 73109. Definitions.

(a) *Vessel* means a craft used, or capable of being used, for transportation on water, and includes every description of watercraft or other contrivance used, or capable of being used as a means of transportation on water, but does not include aircraft.

(b) *Aircraft* means any craft now known or hereafter invented for transportation use in the air, and includes every description of craft or other contrivance used or capable of being used as a means of transportation in flight or in the air.

(c) *Merchandise* means goods, wares, and chattels of every description, and includes merchandise the importation of which is prohibited.

(d) *Person* includes any individual, firm, co-partnership, joint venture, association, corporation, trust, or any group or

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combination action as a unit and the plural, as well as the singular number as may be appropriate.

(e) *Master* means the person having the command of the aircraft, vessel, or contrivance.

(f) *Day* means the time from 8:00 a.m. to 5:00 p.m. (or from 0800 hours to 1700 hours).

(g) *Night* means the time from 5:00 p.m. to 8:00 a.m. the next day (or from 1700 hours to 0800 hours the next day).

(h) *Collector* means the Director of Customs, sworn Customs Officers, and any persons authorized to perform the duties of the Collector of Customs.

(i) *Entry* means the manner of submitting the required documentation or electronic data required by this Chapter to the appropriate Customs Office to secure the release of imported or exported merchandise, clearance of arriving or departing conveyances, and arriving individuals.

(j) *Customs Storehouse* is a place, facility, location, or warehouse designated and authorized by the Collector of Customs for the housing and securing of unladed cargo, baggage, merchandise, and property awaiting formal customs entry and permission for release.

SOURCE: GC § 47107. Amended by P.L. 35-105:2 (Oct. 30, 2020).

§ 73110. Manifest.

The master of every aircraft, vessel, or contrivance arriving in Guam shall have on board a manifest for passengers, crew, and cargo destined for Guam, signed by such master under oath as to the truth of the statement therein contained. Failure to provide such manifests in the prescribed manner and or requirements constitutes a penalty as contained herein. Such manifests shall contain all of the following information as required:

(a) For vessels:

(1) Cargo Manifest:

(A) The names of the ports or places at which the merchandise was taken on board.

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(B) The name, description and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs and the name of the master of such vessel.

(C) A detailed account of all merchandise destined for Guam on board such vessel, with the marks and numbers of each package, and the number and description of the packages according to their usual name or denomination, such as barrel, keg, hogshead, case, or bag.

(D) The names of the persons to whom such packages are respectively consigned in accordance with the bills of lading issued therefor.

(E) The master or agent of each privately owned, privately operated, commercially owned, or commercially leased vessel arriving into Guam from any place outside of Guam must transmit to the Agency an electronic passenger, crew, and cargo manifest. The electronic manifest must be transmitted as required herein to the Customs Office in charge of the clearance for the arriving vessel. The electronic manifest shall contain the names of the several passengers and crew aboard the vessel, stating whether cabin or steerage passengers, with their baggage, specifying the number and description of the pieces of baggage belonging to each, and a list of all baggage not accompanied by passengers.

(F) An account of the sea stores and ship's stores on board the vessel.

(G) If the vessel is from a United States port the manifest shall be certified by the Collector of the port sailing. If from a foreign port, by the United States consul or commercial agent of the port. If there is no United States consul or agent, then by the foreign government consul or agent.

(2) Crew and Passenger Manifest:

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(A) full name (last, first, and, if available, middle);

(B) date of birth;

(C) gender (F = female; M = male);

(D) citizenship;

(E) country of residence;

(F) status on board the vessel;

(G) travel document type (e.g., P = passport; A = alien registration card);

(H) passport number, if a passport is required;

(I) passport country of issuance, if a passport is required;

(J) passport expiration date, if a passport is required;

(K) United States of America alien registration number, where applicable;

(L) physical address while in Guam (number and street, city, state, and zip code);

(M) vessel name and voyage number;

(N) date of vessel arrival; and

(O) manifest for crew and passengers shall be separated and distinguishable.

(b) For aircraft:

(1) Cargo Manifest. The master or agent of each privately owned, privately operated, commercially owned, or commercially leased aircraft arriving into Guam from any place outside of Guam must transmit to the Agency an electronic manifest accounting for all terminating, transiting, revenue, and non-revenue cargo. The electronic manifest must be transmitted as required herein to the Customs Office in charge of the clearance for the arriving aircraft in the format as follows:

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(A) the name, address, and telephone number of each importer or consignee; and the name, address, and telephone number of the shipper to such importer or consignee, unless the Collector determines that the confidentiality of any particular information is necessary for the good of the Agency or national security;

(B) airway bill of lading number of each cargo destined for Guam;

(C) the general description of the cargo;

(D) the number of packages and gross weight;

(E) the name of the aircraft carrier and flight number;

(F) the port of loading;

(G) the port of discharge; and

(H) the country of origin of the shipment;

(2) Crew and Passenger Manifest. The master or agent of each privately owned, privately operated, commercially owned, or commercially leased aircraft arriving into Guam from any place outside of Guam must transmit to the Agency an electronic passenger and crew manifest for all persons terminating, transiting, revenue and non-revenue passengers. The electronic manifest must be transmitted as required herein to the Customs Office in charge of the clearance for the arriving aircraft in the format as follows:

(A) full name (last, first, and, if available, middle);

(B) date of birth;

(C) gender (F = female; M = male);

(D) citizenship;

(E) country of residence;

(F) status on board the aircraft;

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(G) travel document type (e.g., P = passport;
A = alien

registration card);

(H) passport number, if a passport is required;

(I) passport country of issuance, if a
passport is

required;

(J) passport expiration date, if a passport is
required;

(K) United States of America alien
registration

number, where applicable;

(L) physical address while in Guam (number
and street, city, state, and zip code);

(M) passenger name record locator, if
available;

(N) industry code of where transportation to
Guam commenced;

(O) industry code of final port/place of
destination for in-transit passengers;

(P) airline carrier code;

(Q) flight number;

(R) passenger revenue status (revenue or
revenue-exempt);

(S) total number of revenue passengers and
non-revenue;

(T) specific reason for revenue-exempt status
for each revenue-exempt passenger reported;

(U) date of aircraft arrival; and

(V) manifest for crew and passengers shall be
separated and distinguishable.

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(c) Discrepancies. If any discrepancy occurs in any way with respect to any manifest or bill of lading data, the owner or operator of the vessel, aircraft, or contrivance, or any party responsible for such discrepancy, shall be liable for any fine or penalty prescribed by law with respect to such discrepancy or violation. The Agency may take appropriate action against any of the parties.

(d) Public Disclosure of Certain Manifest Information. The Collector, in order to allow for the timely dissemination and publication of the information listed, shall adhere to the provisions as set forth in the *Sunshine Reform Act of 1999*, 5 GCA Chapter 10. In accordance with 5 GCA Chapter 10, and when requested, the Collector shall make available for public disclosure the following information:

- (1) the general character of the cargo;
- (2) the number of packages and gross weight;
- (3) the port of loading;
- (4) the port of discharge; and
- (5) the country of origin of the shipment.

SOURCE: GC § 47108. Amended by P.L. 35-105:2 (Oct. 30, 2020).

§ 73111. Manifest Delivered to Customs Officer.

The master, owner, or authorized agent of an aircraft, vessel, or other contrivance required to make entry, shall submit to the Customs Officer the required manifests in the times set forth in this Section, as well as the format and manner as prescribed in § 73110. Times set forth for delivery of each manifest are as follows:

(a) Aircraft. The master, owner, or authorized agent of any aircraft entering Guam required to make entry shall submit to the Customs Officer the passenger, crew, and cargo manifest thirty (30) minutes upon departure from the airport or place of origin. The manifests must be transmitted electronically as required by § 73110 to the Customs Office.

(b) Vessels. The master, owner, or authorized agent of any vessel entering Guam required to make entry shall

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submit to the Customs Office the passenger, crew, and cargo manifest no later than forty-eight (48) hours after the vessel or contrivance departs the port or place of origin, with the exception of vessels arriving from the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, wherein the manifests must be transmitted immediately upon departure. The manifests must be transmitted electronically as required by § 73110 to the Customs Office.

(c) Any master, owner, or authorized agent who fails to deliver such copy of the manifest or correction thereof shall be subject to a penalty as prescribed in § 73133 of this Article.

SOURCE: GC § 47109; amended by P.L. 13-187:232. Amended by P.L. 35-105:2 (Oct. 30, 2020).

§ 73112. Penalty.

[Repealed.]

SOURCE: GC § 47110, amended by P.L. 13-187:233. Repealed by P.L. 35-105:2 (Oct. 30, 2020).

§ 73113. Vessel Exemptions.

(a) Vessels of war:

(1) shall submit to the Customs Office an affidavit of self-inspection report immediately upon arrival; and

(2) shall comply with all other applicable federal laws enforced by the Guam Customs and Quarantine Agency.

(b) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, or necessary sea stores and which shall depart within twenty-four (24) hours after arrival without having landed or taken on board any passengers or any merchandise other than bunker coal, bunker oil, or necessary sea stores; provided, that the master, owner, or agent of such vessel shall report under oath to the Collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, or necessary sea stores taken on board.

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SOURCE: GC § 47111. Amended by P.L. 35-105:2 (Oct. 30, 2020).

2021 NOTE: This provision was formerly entitled “Vessels Not Required to Make Entry” and was renamed by P.L. 35-105:2 (Oct. 30, 2020).

§ 73114. Merchandise for Other Ports.

Any vessel having on board merchandise shown by the manifest to be destined to a port or place outside of Guam, may, after the report and entry of such vessel under the provisions of this Chapter, proceed to such port of destination with the cargo so destined therefor without unloading the same.

SOURCE: GC § 47112.

§ 73115. Place of Unloading.

It shall be unlawful to make entry of any vessel or to unload the cargo or any part thereof of any vessel elsewhere than at the port of Apra Harbor, the Commercial Port or the Agana Boat Basin.

SOURCE: GC § 47113.

§ 73116. Unloading Prohibition.

(a) Except as otherwise provided (relating to vessels not required to enter), no merchandise, passengers, or baggage shall be unloaded from any vessel until entry of such vessel has been made and a permit for the unloading of the same issued by the Collector; provided, that the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel’s manifest, as provided in § 73110, and submitting the manifest to the Customs Officer, as provided in § 73111, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the Customs House, as provided in these regulations. After the entry, preliminary or otherwise, of any vessel, the Collector may issue a permit to the master of the vessel to unload merchandise or baggage but except as provided in Subsection (b) of this Section, merchandise or baggage so unladed shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted. Any merchandise or baggage so unladed from any vessel for which entry is not made shall be sent to Customs and held as unclaimed at the risk and expense of the consignee in

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the case of merchandise and of the owner in case of baggage, until entry thereof is made. A master in violation of this Section shall be subject to a penalty as prescribed in § 73133 of this Article.

(b) The Collector of Customs is authorized to issue special permits for delivery, prior to formal entry thereof, of perishable articles and other articles, the immediate delivery of which is necessary.

SOURCE: GC § 47114. Amended by P.L. 35-105:3 (Oct. 30, 2020).

§ 73117. Unloading Penalties.

If any passengers, merchandise or baggage are unloaded from any vessel, aircraft, or contrivance without a permit or authorization and clearance from Customs authorities, the master of such vessel and every other person who knowingly is concerned or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be guilty of a violation for each passenger so unladed, and such merchandise or baggage shall be subject to forfeiture.

SOURCE: GC § 47115, amended by P.L. 13-187:234. Amended by P.L. 35-105:3 (Oct. 30, 2020).

§ 73118. Oaths.

The Collector of Customs and all Deputy Collectors of Customs are empowered to administer any oaths required or authorized by these regulations in respect of any matter coming before such officers in the performance of their official duties. No compensation or fee shall be demanded or accepted for administering any oaths under the provisions of this section.

SOURCE: GC § 47116.

§ 73119. Merchandise Taken into Custody.

Whenever entry of any imported merchandise is not made within the time provided by this Chapter, or whenever, in the opinion of the Collector, entry of such merchandise cannot be made for want of proper documents or other cause, he shall take the merchandise into his custody, to be held at the risk and expense of the consignee until entry is made or completed and the proper documents are produced, or a bond given for their production.

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At the request of the consignee of any merchandise, or of the owner or master of the vessel in which the same is imported, any merchandise may be taken into possession of the Collector after the expiration of one day after the entry of the vessel and may be unladen and held at the risk and expense of the consignee until entry thereof is made.

SOURCE: GC § 47117.

§ 73120. Sale of Merchandise.

Any merchandise of which possession has been taken by the Collector for sixty (60) days from the date of importation without entry thereof having been made and the charges thereon paid, shall be considered unclaimed and abandoned to the government and shall be sold by the Director of Administration at public auction by order of the Governor after five (5) days public notice conspicuously posted or published. The proceeds of such sale shall be kept for thirty (30) days subject to the demand of the importer, after the deduction of all expenses of storage and sale. Where the proceeds of any sale of goods at auction are insufficient to pay the full charges, the consignee shall be liable for such charges, unless it be shown that the consignment was made without the consignee's consent. Perishable goods not duly entered within a proper time after importation will be sold without regard to the time limits specified above and in time to prevent loss by deterioration.

All seized and confiscated merchandise and goods which cannot be identified as the property of any particular importer, will be sold at public auction, by order of the Governor, five (5) days after public notice has been conspicuously posted.

SOURCE: GC § 47118. *Finance* changed to *Administration* by Compiler pursuant to P.L. 9-239 (8/13/68).

§ 73121. Sale of Merchandise: Storage: Fees, Lien, Sale.

The owner of any imported merchandise in the possession of the Collector of Customs, properly entered or otherwise, remaining in government custody for more than five (5) work days after receipt therein and, except when delay in removal may be caused by some failure on the part of the government, shall be liable for a flat rate storage fee of Fifty Dollars (\$50.00) upon

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seizure. This flat rate shall remain in place until such time the Director of Customs promulgates a fee schedule for storage, liens, or sale of said merchandise.

(a) The Collector may direct removal at any time when efficient operation of the Customs Warehouse may necessitate such removal. The above rates of storage charges will then become effective on the fifth (5th) day following the order to remove the merchandise concerned. Any storage charges shall constitute a lien against the property for payment of all storage charges before removal. Storage charges shall be paid every ten (10) days, and if not so done and whenever charges against such merchandise shall have accrued in an amount equal to two-thirds (2/3) of the entered value of the merchandise in question, it shall be subject to seizure and sale by the government in the same manner and subject to the same conditions as prescribed in § 73120 of this Article.

(b) Deposits. All monies received by the Treasurer of Guam in accordance with §§ 73119, 73120, 73121, 73122, 73123 and 73124, as it relates to the sale of merchandise by government auction, shall be deposited in the Customs Fines and Penalties Revolving Fund.

(c) Stores not removed within sixty (60) days after the Collector has directed their removal shall be subject to sale at a public auction in the manner prescribed in § 73120 of this Article.

SOURCE: GC § 47119. Amended by P.L. 35-105:4 (Oct. 30, 2020).

§ 73122. Sale of Merchandise: Destruction or Damage.

Destruction or damage by fire or so-called *Acts of God* to merchandise or property legally held in the custody and possession of the Collector of Customs will not render the government liable in damages therefor; *Provided*, however, that claims against the government for losses incurred through personal delinquency on the part of the government employees may be forwarded to the Governor of Guam via the Collector of Customs for decision. The Governor's decision shall be final in each case.

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SOURCE: GC § 47120.

§ 73123. Sale of Merchandise: Destruction by Authorities.

Except as otherwise provided, any merchandise abandoned or forfeited to the government under the preceding or any other provision of this Chapter, which is subject to internal revenue tax and which the Collector shall be satisfied will not sell for a sufficient amount to pay such taxes, shall be forthwith destroyed instead of being sold at auction. Consignees or owners of abandoned or forfeited merchandise set for destruction shall be liable and billed the full cost of destruction.

SOURCE: GC § 47121. Amended by P.L. 35-105:5 (Oct. 30, 2020).

§ 73124. Sale of Merchandise: Proceeds of Sale: Claims.

The proceeds of sale at public auction shall be paid over to the Treasurer of Guam in satisfaction of storage charges and other governmental expenses and the sale of such merchandise or property shall exonerate the master of any vessel from all claims of the former owner of the merchandise or property in question. All private claims for freight, contribution in general, average or other charges against the merchandise or property involved must be filed with the Governor of Guam via the Collector of Customs for decision as to payment out of the surplus, if any. The decision of the Governor shall be final.

SOURCE: GC § 47122.

§ 73125. Bonds.

When any bond is required by law or regulation to be executed by any partnership for any purpose connected with the transaction of business at any customs house, the execution of such bond by any member of such partnership shall bind the other partners in like manner and to the same extent as if such other partners had personally joined in the execution, and an action or suit may be instituted on such bond against all partners as if all had executed the same.

SOURCE: GC § 47123.

§ 73126. Examination of Baggage.

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The Collector may cause an examination to be made of the baggage of any person arriving in Guam from a point outside the United States of America, including the Commonwealth of the Northern Mariana Islands, in order to ascertain what articles are contained therein and whether prohibited, notwithstanding a declaration and entry therefor has been made.

SOURCE: GC § 47124, amended by P.L. 16-44:6.

COURT DECISIONS: *Guam v. Sugiyama*, Skopil, J., concurring, finds that the Governor, by Memorandum 33-52, supplemented this provision of the law by authorizing, in addition, searches of one's person as well as of the baggage. Such supplementation is valid. 846 F.2d 570 (9th Cir.(Guam), May 16, 1988) (NO. 87-1075, 87-1080); Rehearing Denied, Opinion Amended by 859 F.2d 1428 (9th Cir.(Guam), Oct 31, 1988) (NO. 87-1075); *cert. den. Sugiyama v. Territory of Guam*, 490 U.S. 1010, 109 S.Ct. 1652, 104 L.Ed.2d 166 (U.S.Guam, Apr 3, 1989) (No. 88-6705).

§ 73127. Declaration.

Any article not included in the declaration and entry as made, and, before examination of the baggage was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to forfeiture and such person shall be liable to a penalty equal to the value of such article.

SOURCE: GC § 47125.

§ 73128. Inspection of Imports.

Imported merchandise, required by regulations to be inspected or examined, shall not be delivered from customs custody, except as otherwise provided in this Chapter, until it has been inspected or examined, and is found to comply with requirements by Customs Officials. The Collector may require such packages or quantities examined as he may deem necessary.

SOURCE: GC § 47126.

§ 73129. Contempt.

If any person cited to appear before the Collector of Customs shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogation or to subscribe his name to his position, or to produce such papers when so required by the Collector of Customs, the Collector of Customs shall certify

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the facts to the Superior Court for proceedings in accordance with the terms of 5 GCA § 9238.

SOURCE: GC § 47127 modified to refer to codification of GC § 24138 as 5 GCA § 9238. *Island* Court changed to *Superior* Court by authority of P.L. 12-85.

§ 73130. False Swearing.

Any person who shall intentionally swear falsely on an examination before the Collector of Customs shall be guilty of a misdemeanor; and if he is the owner, importer or consignee, the merchandise shall be forfeited or the value thereof may be recovered from such person.

SOURCE: GC § 47128 amended by P.L. 13-187:235.

§ 73131. Liability of Customs Officials.

No Collector or other customs officer shall be in any way liable to any owner, importer, consignee or agent or any other person for or in account of any rulings or decisions as to the collection of any charges, on account of said merchandise or any other matter or things as to which said owner, importer, consignee or agent might, under this Chapter be entitled to protest or appeal from the decision of such collector or other officer.

SOURCE: GC § 47129.

§ 73132. Notice of Lien.

Whenever the Collector of Customs shall be notified in writing of the existence of a lien for freight, charges, or contribution in general average upon any imported merchandise entered for warehousing or taken possession of by him, he shall refuse to make delivery thereof until proof shall be produced that the said lien has been satisfied or discharged. The rights of the government of Guam shall not be prejudiced or affected by the filing of such lien, nor shall the government of Guam be liable for losses or damages consequent upon such refusal to permit delivery. If merchandise, regarding which such notice of lien has been filed shall be forfeited or abandoned and sold, the freight, charges or contribution in general average due thereon shall be paid from the proceeds of such case in the same manner as other lawful charges and expenses are paid therefrom.

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SOURCE: GC § 47130.

§ 73133. Fines and Penalties.

Penalties for Violations of Arrival, Reporting, Entry, Clearance Requirements, Manifests, and Manifest Delivered to Customs Officer.

(a) Unlawful acts:

(1) failure to comply with §§ 73104, 73106, 73107, 73108, 73110 or 73111 of this Article;

(2) presenting or transmitting, electronically or otherwise, any forged, altered or false document, paper, information, data, or manifest to the Customs Service without revealing the facts; or

(3) failure to make entry or to obtain clearance as required.

(b) Civil Penalty. Any master, person in charge, or aircraft pilot who commits any violation listed under this Section is liable for a civil penalty of Five Thousand Dollars (\$5,000) for the first violation and Ten Thousand Dollars (\$10,000) for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

(c) Criminal Penalty. In addition to being liable for a civil penalty under Subsection (b) of this Section, any master, person in charge, or aircraft pilot who intentionally commits any violation listed in Subsection (a) of this Section is, upon conviction, liable for a fine of not more than Two Thousand Dollars (\$2,000) or imprisonment for one (1) year, or both; except, that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into Guam is prohibited, such individual is liable for an additional fine of not more than Ten Thousand Dollars (\$10,000) or imprisonment for not more than five (5) years, or both.

(d) Additional Civil Penalty. If any merchandise (other than sea stores or the equivalent for conveyances other than

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a vessel) is imported or brought into Guam in or aboard a conveyance which was not properly reported or entered, the master, person in charge, or aircraft pilot shall be liable for a civil penalty equal to the value of the merchandise and the merchandise may be seized and forfeited unless properly entered by the master, person in charge, or aircraft pilot. The Collector of Customs may grant relief of civil penalty; provided, that such was due to unintentional clerical or administrative omission. The master, person in charge, or aircraft pilot has the burden of proving by clear and convincing evidence of the unintentional omission.

SOURCE: GC § 47131. Amended by P.L. 13-187:236 and P.L. 35-105:6 (Oct. 30, 2020).

2021 NOTE: This provision was formerly entitled “Penalties” and was renamed by P.L. 35-105:6 (Oct. 30, 2020).

§ 73134. Penalty: Opium.

If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or the owner of such vessel shall be liable to a penalty of twenty-five dollars (\$25.00) for each ounce thereof so found. Such penalty shall constitute a lien upon such vessel; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty and the vessel shall not be held subject to the lien, if it appears that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known that such smoking opium or opium prepared for smoking was on board. Clearance of any such vessel may be withheld until such penalty is paid or until a bond, satisfactory to the Collector, is given for the payment thereof.

SOURCE: GC § 47132.

CROSS-REFERENCES: See 9 GCA Chapter 67 and Chapter 80 relative to later law on the importation of controlled substances, including opium, and the penalties therefor.

§ 73135. Penalty: Failure to Report Prior to Departure.

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If any vessel from a foreign port or place arrives within the limits of Guam and departs or attempts to depart, except from stress of weather or other necessity, without making a report of entry under the provisions of this Chapter, or if any merchandise is unladen therefrom before such report of entry, the master of such vessel shall be guilty of a violation.

SOURCE: GC § 47133 amended by P.L. 13-187:237.

§ 73136. Penalty: Fraud.

If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce into the commerce of Guam any imported merchandise by means of any fraudulent or false declaration, affidavit, letter, paper or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration without reasonable cause to believe the truth of such statement, or is guilty of any wilful act or omission by means whereof the government of Guam is affected by such act or omission, such merchandise or the value thereof, to be recovered from such person or persons, shall be subject to forfeiture, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates. The arrival within the territorial limits of Guam of any merchandise consigned for sale and remaining the property of the shipper or consignor, and the acceptance of a false or fraudulent invoice thereof by the consignee or the agent of the consignor, or the existence of any other facts constituting an attempted fraud, shall be deemed, for the purpose of this section, to be an attempt to enter such merchandise notwithstanding no actual entry has been made or offered.

SOURCE: GC § 47134.

§ 73137. Certificates of Origin.

The following fees will be charged by the Customs & Quarantine Agency for the issuance of Certificates of Origin:

For certificates wherein the stated value of the merchandise ranges from:

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\$	0.01	to	\$	100.00	a fee of
\$	0.25				
\$	100.01	to	\$	500.00	a fee of
\$	0.50				
\$	500.01	to	\$	1,000.00	a fee of
\$	1.00				
\$	1,000.01	to	\$	5,000.00	a fee of
\$	1.50				
\$	5,000.01	to	\$	10,000.00	a fee of
\$	2.25				
\$	10,000.01	to	\$	50,000.00	a fee of
\$	3.50				
\$	50,000.01	to	\$	100,000.00	a fee of
\$	5.00				
	over \$100,000.01				a fee of
\$	10.00				

Whenever any Certificate of Origin is issued between the hours of 5:00 p.m. and 8:00 a.m. during weekdays and between 12 noon on Saturday and 8:00 a.m. on the following Monday and on legal holidays an additional charge of Three Dollars (\$3.00) will be assessed in addition to any rate indicated in the above schedule of fees.

SOURCE: GC § 47135. Except as noted above, the sections from the beginning of this Chapter until this section were renumbered to the Govt. Code sections indicated by P.L. 7-48. The original sections, enacted with the original Government Code, were § 14200-14235. It is clear to the Compiler that the original customs law were regulations issued under the Naval Government. In fact, an examination of the original enactments of the First Guam Legislature shows that all that Legislature did with respect to the customs rules and regulations is to repeal the tariff schedules then applicable to imports into Guam, and by this means made Guam a duty free port. The bureaucratic structure supporting the tariff schedules, however, was continued.

NOTE: P.L. 22-112:2 (to be effective Oct. 1, 1994) transfers all personnel, equipment and duties from the Customs & Quarantine Division of the Department of Commerce to a separate Customs & Quarantine Agency. Pursuant to this transfer, the Compiler has changed references in this section from the *Department of Commerce* to the new *Customs & Quarantine Agency*.

§ 73138. Charges for Services of Customs and Quarantine Officers.

[Repealed.]

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SOURCE: GC § 47136; amended by P.L. 14-121:2, P.L. 14-126:2, P.L. 15-125:17, P.L. 16-111:II:3 and P.L. 21-42:4. Repealed by P.L. 23-45:IV:18(c)(i).

§ 73139. Customs & Quarantine Overtime Fund.

[Repealed.]

SOURCE: GC § 47137 added by P.L. 14-96:1; R/R by P.L. 16-111:II:2; R/R by P.L. 19-10:XI:41(b). Repealed by P.L. 23-45:IV:18(c)(ii).

§ 73140. Exemption for Export Trading Companies.

Goods brought into Guam by an export trading company as defined by § 26101(d) Title 11, Guam Code Annotated which are produced or manufactured in the United States or are produced or manufactured on Guam for the purpose of export from Guam to foreign countries are exempted from the provisions of §§ 73116, 73117, 73127 and 73128 of this Chapter, if the goods are stored in a bonded warehouse approved by the Director of the Customs and Quarantine Agency or cleared by U.S. customs officers as evidenced in writing. This exemption shall not apply to live or unprocessed plants and animals.

SOURCE: GC § 47138 added by P.L. 17-67:7; amended by P.L. 17-70:II:41.

NOTE: *Director of Commerce* changed to *Director of the Customs & Quarantine Agency* pursuant to the transfer of functions and creation of the new agency by P.L. 22-112.

§ 73141. Place of Inspection.

Inspections of baggage, passengers and cargo shall be performed only at the designated ports of Guam, except that inspections of cargo may also be performed at such places as the Director of the Customs & Quarantine Agency shall from time to time designate.

SOURCE: GC § 47139 added by P.L. 20-25:1 (06/10/89).

NOTE: *Director of Commerce* changed to *Director of the Customs & Quarantine Agency* pursuant to the transfer of functions and creation of the new agency by P.L. 22-112.

§ 73142. Release of Sealed Cargo.

The seal on a container or cargo shall neither be broken nor tampered with, except under the direction of a Customs Inspector

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or until such container or cargo has otherwise been officially released from Customs' custody.

SOURCE: GC § 47140 added by P.L. 20-25:1 (06/10/89)

§ 73143. Release of Sealed Cargo: Penalties.

Should the seal on a container or cargo be broken or tampered with prior to its official release from Customs' custody, except under the direction of a Customs Inspector, then the person or firm that has accepted delivery of the sealed container or cargo shall be liable for the following administrative penalties levied by the Collector of Customs:

(a) A fine of not less than Twenty-Five Thousand Dollars (\$25,000) and the confiscation of the cargo involved; and

(b) The suspension of the business license(s) of all principals involved in the violation of this section for one (1) year.

All fines levied under this section shall be deposited in the Customs Inspection Fund. All cargo confiscated under this section shall be disposed of as provided for in this Chapter. The Director of the Customs & Quarantine Agency shall immediately notify the License Board created by 11 GCA § 70112 of a violation by any person or firm whose license is to be suspended. No expenditures shall be made from the Customs Inspection Fund except by appropriation of the Legislature.

Any person or firm charged with a violation of this section shall have the burden of proving by clear and convincing evidence that such person or firm was not responsible for the broken or tampered with seal.

SOURCE: GC § 47141 added by P.L. 20-25:1 (06/10/89).

NOTE: 1. The original law referred to a License Board created by GC § 16026. However, that section dealt with Alien Labor and not with a License Board. The only section creating a License Board is now found in 11 GCA § 70112, which was GC § 16011.

2. *Director of Commerce* changed to *Director of the Customs & Quarantine Agency* pursuant to the transfer of functions and creation of the new agency by P.L. 22-112.

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§ 73144. Promulgation of Rules and Regulations.

The Director of the Customs & Quarantine Agency is responsible for the promulgation of rules and regulations necessary to carry out the provisions of this Chapter. Such rules and regulations shall be promulgated in accordance with the provisions of the Administrative Adjudication Law.

SOURCE: GC § 47142 added by P.L. 20-25:1 (06/10/89).

NOTE: P.L. 20-25:2 stated, as an uncodified section:

There is hereby created a Customs Inspection Fund for use in the enforcement of Chapter II, Title XLIV of the Government Code [this Chapter of the Guam Code Annotated]. Such Fund shall be kept separate and apart from the General Fund.

§ 73145. Customs, Agriculture, and Quarantine Inspection Services Charge Established.

Each aircraft landing at the Antonio B. Won Pat International Airport, Guam shall be levied a Customs, Agriculture and Quarantine Inspection services charge reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating the service charge facilities, and shall be allocated among air carriers in such a manner reasonably related to the relative demand for such services attributable to each carrier. Each consignment of air and sea cargo, and each passenger landing at a sea port shall also be levied a Customs, Agriculture and Quarantine Inspection services charge, except for those passengers which may be exempted under the rules and regulations promulgated pursuant to § 73151.

The service charges shall be reasonably related to the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining and operating the service charge facilities.

Notwithstanding any other provision of law, the establishment, modification or adjustment of any service charge levied pursuant to this Section shall be subject to the provisions of the Administrative Adjudication Law.

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SOURCE: GC § 47143 added by P.L. 23-45:IV:18. Amended by P.L. 23-96:2. Amended by P.L. 24-14:15 as § 73145. Amended by P.L. 26-140:2.

NOTE: P.L. 23-128:IV:14 repeals the Customs Inspection Fund (not § 73145) and provides for "... any and all remaining balances are reverted to the General Fund. All revenue previously earmarked into this Fund shall continue to be collected and credited to the General Fund."

COMMENT: The Legislature, being unaware of the previous codification of this section, and the previous amendment under this codified number, stated the intent of this latest 26th GL amendment as:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* [The Guam Legislature] finds that the law authorizing the "Customs, Agriculture and Quarantine Inspection Services Charge Established" needs to be utilized for more facilities involved in agricultural inspections of agricultural products arriving at the Airport. While the Section authorizing this charge was repealed in Public Law Number 23-128:14, it was reinstated in Public Law Number 24-14:15, although using different section numbers. It is desirable to reenact this code section with reference to the right section numbers.

I Liheslaturan Guåhan [The Guam Legislature] further finds that daily operations of certain programs within the Department of Agriculture, specifically the Plant, Protection and Quarantine and the Plant Nursery Programs, have been seriously crippled due to their inability to directly access funds which the Programs themselves generate through sales and services they provide on a daily basis. The revenue generated by the Plant, Protection and Quarantine Program from import permit, export certificate, inspection and commodity treatment services fees, and the estimated Twenty-five Thousand Dollars (\$25,000.00) annual revenue generated by the Plant Nursery from the sale of vegetables, fruits and other tree seedlings, and grafting, air layering and seed propagation fees are all currently being deposited into the General Fund.

Budget constraints, coupled with a reprioritization of Department needs, have resulted in the poor delivery of services to the communities served by the Divisions. Thus, there is a need to create revolving funds for the respective programs to allow them direct access to funds, however meager, they generate. This legislation will ensure that these agricultural programs operate efficiently and, more importantly, deliver the kind and level of service which the public rightfully expects and deserves.

§ 73146. Initial Service Charges.

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Until the first Rules and Regulations required by § 73151 have been promulgated, the Guam Airport Authority is authorized to collect on an interim basis service charges from air carriers reasonably calculated to recover the costs incurred by the Customs and Quarantine Agency and the Department of Agriculture in providing, maintaining, and operating the service charge facilities. The Customs and Quarantine Agency, or its agents, is also authorized to collect on an interim basis an initial Customs, Agriculture, and Quarantine Inspection Services Charge to be levied as follows:

(a) Upon sea passengers landing at the Port Authority of Guam a Passenger charge of \$10.00 for each passenger, and a document charge of \$5.00 upon each consignee or other applicable party for each consignment of cargo landing in Guam, and \$25.00 upon each consignee or other applicable party for consolidated consignments of cargo landing in Guam.

SOURCE: Added by P.L. 23-45:IV:18. Repealed and reenacted by P.L. 23-96:3.

§ 73147. Authorization for Customs and Quarantine Agency and the Guam Airport Authority to collect Customs, Agriculture, and Quarantine Inspection Services Charges.

The Guam Airport Authority is authorized to assess and collect, from air carriers, the Customs, Agriculture, and Quarantine Inspection Services Charge for customs and agricultural inspection services rendered at GIAT. The Customs and Quarantine Agency is authorized to assess and collect the Customs, Agriculture, and Quarantine Inspection Services Charge for Customs, Agriculture, and Quarantine Inspection services rendered at the Port Authority of Guam.

SOURCE: Added by P.L. 23-45:IV:18. Amended by P.L. 23-96:4.

§ 73148. Guam Airport Authority Reimbursement Agreement.

It is hereby established that the Guam Airport Authority agrees to reimburse the Customs, Quarantine Agency, the Department of Agriculture, and/or their agents for the costs incurred in performing the various duties and obligations of the Customs, and

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Quarantine Agency, the Department of Agriculture and/or their agents at the Guam International Airport Terminal (GIAT). The Customs, Agriculture, and Quarantine Inspection Services Charge is intended to reimburse the Customs, and Quarantine Agency, the Department of Agriculture, and/or their agents for the costs associated with these duties and obligations.

SOURCE: Added by P.L. 23-45:IV:18.

§ 73149. Deposit of Customs, Agriculture and Quarantine Inspection Services Charge in Customs, Agriculture and Quarantine Inspection Services Fund.

Notwithstanding any other provisions of law, all funds received in accordance with this Chapter shall be remitted, within five (5) days of receipt, to the Treasurer of Guam for credit to the Customs, Agriculture and Quarantine Inspection Services Fund, as provided for in § 73152 of this Chapter; provided, however, that, upon authorization and certification by the Director of the Customs and Quarantine Agency, the Antonio B. Won Pat International Airport Authority, Guam may deduct from the remittance any actual expenses or charges attributable to the Customs and Quarantine Agency or to the Department of Agriculture incurred in administering or carrying out the purposes of this Act, and any other charges incurred by the Customs and Quarantine Agency or the Department of Agriculture Plant Protection and Quarantine Section at the Antonio B. Won Pat International Airport, Guam.

Expenses and encumbrances, except those outlined above, of the Customs and Quarantine Agency and the Department of Agriculture, or their agents, incurred in performing their duties and obligations as prescribed in this Chapter shall be paid from the Customs, Agriculture and Quarantine Inspection Services Fund upon appropriation by *I Liheslaturan Guåhan*. Any funds appropriated to the Customs and Quarantine Agency or to the Department of Agriculture shall be administered by their respective Director, who shall also be the certifying officer for their respective agency.

SOURCE: Added by P.L. 23-45:IV:18. Repealed/reenacted by P.L. 26-140:3.

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§ 73150. Penalties for Non-payment or Late Payment of Customs, Agriculture, and Quarantine Inspection Services Charge.

If an air carrier, vessel operator, passenger, consignee or other applicable party is more than thirty (30) days delinquent in paying any Customs, Agriculture, and Quarantine Inspection Services Charge due under this Chapter, an interest charge of Ten Percent (10%) per annum shall be added to the balance due.

SOURCE: Added by P.L. 23-45:IV:18.

§ 73151. Rules and Regulations for Customs, Agriculture, and Quarantine Inspection Services Charge.

The Director of Customs and Quarantine Agency, subject to the Administrative Adjudication Act, shall promulgate and adopt rules and regulations to implement the provisions of Section 73145 through 75153 of this Chapter, including provisions establishing the procedure for collection of the service charge, and for periodic review of the costs of providing the services, the level of the charges levied, and the amount of reimbursement payable to the Guam Airport Authority, Customs and Quarantine Agency, the Department of Agriculture and/or their agents reflecting the administrative cost of collecting and remitting the charges. The Rules and Regulations shall also provide for such exemptions from the service charge as may be required by applicable law, other regulations, or as may be prescribed by the Director of the Customs and Quarantine Agency. In addition, to the extent the interim charge authorized by § 73146 is determined to have either overcollected or undercollected the revenue required during the interim period, the final regulations should adjust the service charges accordingly.

SOURCE: Added by P.L. 23-45:IV:18. Amended by P.L. 23-96:5.

§ 73152. Customs and Agriculture Inspections Services Fund.

There is hereby created, separate and apart from other funds of the government of Guam, a fund to be known as the “Customs, Agriculture, and Quarantine Inspection Services Fund (hereinafter “the Fund”). The Fund shall not be commingled with the General Fund and shall be kept in a separate bank account. All expenditures of the Fund shall be made exclusively by appropriation of

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the Guam Legislature. Notwithstanding any other provision of law, any funds appropriated to the Department of Agriculture pursuant to this Chapter shall be administered by the Director of Agriculture. The Director of Agriculture shall be the Certifying Officer of such funds. The Fund shall not be used as a pledge of security or as collateral for government loans. The Director of Administration shall make a quarterly report to the Governor and the Legislature of the condition of, and activity within, the Fund. He shall make a quarterly report to the Chairman of the Legislature's committee which oversees the Customs, Agriculture, and Quarantine Inspections Services Fund (the *Fund*) of the condition of, and activity within, the Fund. The Director of Administration shall further make an annual report which shall be made available to the general public.

SOURCE: Added by P.L. 23-45:IV:18. Amended by P.L. 23-96:6.

§ 73153. Customs Fines and Penalties Revolving Fund.

(a) Fund Established. There is hereby established within the Customs and Quarantine Agency a fund to be known as the "Customs Fines and Penalties Revolving Fund" which shall be separate and apart from other funds of the government of Guam, and for which independent records shall be maintained. The Director of Customs is hereby authorized to expend collected funds without appropriation.

(b) Deposits. All monies received in accordance with §§ 73119, 73120, 73121, 73122, 73123 and 73124 as it relates to fines, penalties and storage shall be deposited in the Customs Fines and Penalties Revolving Fund.

(c) Authorized Expense(s). All expenses authorized by the Director of Customs to be used solely for the Customs and Quarantine Agency shall be paid from the Customs Fines and Penalties Revolving Fund.

(d) Report. In the first January after the enactment of this Act, and every six (6) months thereafter, the Director of Customs and Quarantine shall prepare and transmit, via *I Maga'hågan/Maga'låhen Guåhan* (the Governor of Guam), a detailed report on the status of the Customs Fines and Penalties Revolving Fund, to include an itemization of expenditures

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charged against the Fund, to the Speaker of *I Liheslaturan Guåhan* (the Guam Legislature).

SOURCE: Added by P.L. 23-45:IV:18. Amended by P.L. 35-105:7 (Oct. 30, 2020).

2021 NOTE: This provision was formerly entitled “Severability Clause” and was amended and renamed by P.L. 35-105:7 (Oct. 30, 2020).

§ 73154. Penalties and Payments.

(a) **Payments Due.** All person(s) found in violation and issued a penalty or fine under § 73133, shall immediately make payments to the Treasurer of Guam.

(b) **Interest Penalty.** Each person found in violation and issued a penalty or fine under § 73133, who fails to make payment for such penalty or fine within thirty (30) days of the date of issued penalty or fine, shall pay an interest penalty of fifteen percent (15%) per annum to the Treasurer of Guam on the amount of the past due or balance thereof. No interest penalty shall be assessed on payments made in full on or before the thirtieth (30th) day from the date payments are due.

(c) **Unpaid Interest.** Interest penalty applicable under § 73154(b) which remains unpaid shall accrue to the balance due for purposes of computing current interest due.

SOURCE: Added by P.L. 35-105:8 (Oct. 30, 2020).

§ 73155. Severability.

If any provision of Article 1 of this Chapter or the application thereof to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of the Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

SOURCE: Added by P.L. 35- 105:8 (Oct. 30, 2020).

§ 73156. Annual Customs Officer Training Cycle.

(a) The Customs and Quarantine Agency shall conduct a customs officer training cycle for no more than twenty (20) candidates per fiscal year.

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(b) Each year, the Director of the Customs and Quarantine Agency shall determine the total cost to conduct a recruitment and training cycle pursuant to the requirements set forth in Subsection (a) of this Section and he/she shall transmit this as part of the agency's proposed budget to *I Maga'hagan Guahan* for inclusion in the Executive Budget request that *I Maga'hagan Guahan* submits annually to *I Liheslaturan Guahan*.

(c) The Director of the Customs and Quarantine Agency shall submit a report to *I Maga'hagan Guahan* and the Speaker of *I Liheslaturan Guahan* no later than June 30 of each year to present an update on the customs officer training cycle conducted during that fiscal year pursuant to the requirements set forth in this Section.

SOURCE: Added as § 73155 by P.L. 36-054:XII:40 (Sept. 11, 2021), renumbered by the Compiler pursuant to 1 GCA § 1606.

2021 NOTE: P.L. 36-054:XII:40 (Sept. 11, 2021) added this section as a new § 73155; however, to avoid confusion with the existing § 73155 entitled "Severability," the new law was renumbered by the Compiler pursuant to the authority granted by 1 GCA § 1606.

**ARTICLE 2
CARRIER OFF-DUTY SERVICES REVOLVING FUND**

- § 73201. Title.
- § 73202. Definitions.
- § 73203. Charges for Carrier Off-Duty Services of Customs and Quarantine Agency Officers.
- § 73204. Payment and Penalties.
- § 73205. Carrier Off-Duty Services Revolving Fund.

§ 73201. Title.

This Article may be cited and referred to as "*The Carrier Off-Duty Services Revolving Fund Article*."

§ 73202. Definitions, Generally.

Whenever used in this Chapter, unless otherwise required by the context:

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(a) “*Off-Duty office*” means an officer of the Customs and Quarantine Agency, exclusive of the Director of Customs and the Chief of Customs, or an inspector of the Plant Protection and Quarantine Section of the Department of Agriculture, who is not actively fulfilling any scheduled and/or assigned task, and who is available to perform service(s) outside of that person’s assigned or scheduled work hours.

(b) “*Officer*” means a Customs and Quarantine Officer duly employed by the Customs and Quarantine Agency, or an inspector of the Plant Protection and Quarantine Section of the Department of Agriculture, government of Guam.

(c) “*Person*” includes any individual, firm, co-partnership, joint venture, association, corporation, trust or any group or combination action as a unit and the plural, as well as the singular number as may be appropriate.

§ 73203. Charges for Carrier Off-Duty Services of Customs and Quarantine Officers and Inspectors of Plant Protection and Quarantine Section of the Department of Agriculture.

(a) Charges for Services by Customs and Quarantine Officers. All operations of any person, excluding air carriers and passengers arriving at the Antonio B. Won Pat Guam International Air Terminal and passengers arriving on Guam via ocean vessels, that require the services of Customs and Quarantine Agency Officers on any day of the week, upon special request on Sundays, holidays, or between the hours of 5:00 p.m. of any other day and 6:00 a.m. of the following day, shall be charged for services as are rendered by officers as follows:

(i) for the first hour or fraction thereof, a rate of three (3) times the officer’s, or officers’, hourly wage (3.0 x hourly wage rate) for each officer requested to perform off-duty inspection service; and after the first hour, but only after fifteen (15) minutes has elapsed, a rate one and a half (1½) times each officer’s hourly wage rate during such hour, or each hour thereafter, but not to exceed a maximum charge of Two Hundred Seventy-five Dollars (\$275.00) per officer per day.

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(b) Charges for Services by Plant Protection and Quarantine Inspectors. All operations of any person, excluding air carriers and passengers arriving at the Antonio B. Won Pat Guam International Air Terminal and passengers arriving on Guam via ocean vessels, that require the services of the inspectors of the Plant Protection and Quarantine Section of the Department of Agriculture on any day of the week upon special request by the Director of Customs and Quarantine on Sundays, holidays, or between the hours of 5:00 p.m. of any other day and 6:00 a.m. of the following day, shall be charged for services as are rendered by an inspector(s) of the Plant Protection and Quarantine Section of the Department of Agriculture as follows:

(i) for the first hour or fraction thereof, a rate of three (3) times the officer's, or officers', hourly wage (3.0 x hourly wage rate) for each officer requested to perform off-duty inspection service; and after the first hour, but only after fifteen (15) minutes has elapsed, a rate one and a half (1½) times each officer's hourly wage rate during such hour, or each hour thereafter, but not to exceed a maximum charge of Two Hundred Seventy-five Dollars (\$275.00) per officer per day.

(c) Non-Performance of Services. If services have been requested and the officer(s) has reported to work, and the services are not performed by reason of circumstances beyond the control of the officer(s) concerned, the requesting party shall be charged in accordance with §§ 73203(a) and (b) on the same basis as though the services had actually been performed during the time the officer was ordered to report for duty and did so report, and the time the officer was notified that the officer's services would not be required.

(d) Administrative Surcharge. In addition to charges authorized under §§ 73203(a), (b) and (c), a Two Dollar (\$2.00) administrative surcharge per employee shall be assessed to and payable by the persons receiving such services for the cost of processing, collecting and administering this program.

§ 73204. Payment and Penalties.

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(a) **Payments Due.** All person(s) requesting the services of Customs and Quarantine Agency Officers, or the inspectors of the Plant Protection and Quarantine Section of the Department of Agriculture, of the government of Guam under § 73203, and to whom such services were provided, shall make payments to the ‘Treasurer of Guam’ immediately upon the delivery of services. Upon the written request of person(s) receiving the services of Customs and Quarantine Agency Officers, or the inspectors of the Plant Protection and Quarantine Section of the Department of Agriculture, the Director of Customs and Quarantine may authorize person(s) an extension of payment of up to thirty (30) days from the date of service(s), subject to the penalties and conditions stipulated in §§ 73204(b) and (c).

(b) **Interest Penalty.** Each person who receives customs or plant protection and quarantine inspection services under § 73203, and fails to make payment for each such completed service(s) within thirty (30) days of the date of service, or thirty (30) days from the date of extension, shall pay an interest penalty of fifteen percent (15%) per annum to the Treasurer of Guam, on the amount of past due or balance thereof. No interest penalty shall be assessed on payments made in full on or before the thirtieth (30th) day from the date payments are due.

(c) **Unpaid Interest.** Interest penalty applicable under § 73204(b) which remain unpaid shall accrue to the balance due for purposes of computing current interest due.

§ 73205. Carrier Off-Duty Services Revolving Fund.

(a) **Fund Established.** There is hereby established within the Customs and Quarantine Agency, a fund to be known as the ‘Carrier Off-Duty Services Revolving Fund’ which shall be separate and apart from other funds in the government of Guam, and for which independent records shall be maintained.

(b) **Deposits.** All money received in accordance with this Act shall be deposited into the Carrier Off-Duty Services Revolving Fund.

(c) **Authorized Expense(s).** All authorized expenses for providing customs, agriculture and quarantine service(s) pursuant to this Act, shall be paid by the Treasurer of Guam from the

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Carrier Off-Duty Services Revolving Fund upon the submittal of vouchers certified by the Director of Customs and Quarantine or the Director of Agriculture. Each officer shall be responsible for all employer retirement contribution which may be applicable on their behalf.

(d) Report. In the first January after the enactment of this Act, and every six (6) months thereafter, the Director of Customs and Quarantine shall prepare and transmit via *I Maga'lahaen Guåhan* [Governor] to the Speaker of *I Liheslaturan Guåhan* [Guam Legislature] a detailed report on the status of the Carrier Off-Duty Services Revolving Fund to include an itemization of expenditures charged against the Fund.

SOURCE: Article 2 added by P.L. 25-138:1.

ARTICLE 3
PLANT QUARANTINE SERVICES

- § 73301. Transfer of Plant Protection and Quarantine Section Personnel and Functions of the Department of Agriculture to the Customs and Quarantine Agency.
- § 73302. Creation of the Guam Plant Inspection and Permit Fund.

§ 73301. Transfer of Plant Protection and Quarantine Section Personnel and Functions of the Department of Agriculture to the Customs and Quarantine Agency.

(a) All classified employees filling positions within the Plant Protection and Quarantine Section of the Department of Agriculture ('DOA') prior to September 30, 2003 shall be transferred to the Customs and Quarantine Agency ('CQA') with the exception of the positions of the entomologist and cashier who will remain with DOA for the administration and management of import and export permits, phytosanitary permits, and a Plant Inspection Station. Classified employees transferred to CQA shall be transferred with all duties, responsibilities and compensation intact, and with no lapses in service to the government of Guam.

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The Director of CQA shall have the power to reorganize and realign positions in conformance with the rules and regulations of the Director of Administration and all other applicable laws of Guam. Employees transferred from the Plant Protection and Quarantine Section of DOA shall be entitled to the same retirement, workmen's compensation and hospital insurance benefits to which they are currently entitled.

(b) Transfer of Duties. Except as otherwise specifically provided, CQA shall hereby assume all the powers, duties and responsibilities of the Plant Protection and Quarantine Section of DOA as set out in this Act, and any other section of law with the exception of the administration of local and Federally regulated import and export plant permits, phytosanitary permits and the control management and administration of a USDA sanctioned Plant Inspection Station. Any regulation or other action adopted, prescribed, taken or performed by Plant Protection and Quarantine Officers of the Plant Protection and Quarantine Section of DOA in the administration of a program, the performance of a power, duty or responsibility, or the exercise of any function transferred by this Act shall remain in effect and shall be deemed to be a regulation or action of CQA or of any of its officers to whom the program, power, duty, responsibility or function is transferred.

(c) Transfer of Records and Equipment. Upon the transfer of functions as provided in this Section, CQA shall have possession and control of all books, records, papers, maps, plans, documents, offices, equipment, supplies, money, funds, appropriations, licenses, permits, agreements, contracts, and other property, real or personal, connected with the transfer of, administration of, or held for the benefit or use of, Plant Protection and Quarantine Officers transferred to CQA.

(d) Employee Preference to Continue Service with DOA. Nothing herein shall prevent any Plant Protection and Quarantine Officer from filling any vacant position within DOA pursuant to the Merit System.

(e) DOA and CQA Nexus on Plant Protection Inspections.

(1) DOA shall provide technical and scientific support to CQA upon assuming specific duties and responsibilities of

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the Plant Protection and Quarantine Section of DOA as set out in this Section, and any other section of law or regulation pertinent thereto.

(2) CQA shall provide personnel support for the operations of the Plant Inspection Station of the Department of Agriculture.

(3) A Memorandum of Understanding (MOU) shall be executed between DOA and CQA in the operations of the Plant Quarantine Station including the duties and responsibilities of DOA in providing specific technical and scientific support to CQA as set out in this Section.

(f) Transition Team Created.

(1) Transition Team. There is hereby created a Transition Team to help ensure a smooth transition of functions from the Plant Protection and Quarantine Section of DOA to the Customs and Quarantine Agency ('CQA'). The Transition Team shall include the following:

- (a) the Director, or a designee of DOA; and
- (b) the Director, or a designee of CQA.

(2) Authority. The Transition Team shall have sixty (60) days from the enactment of this Act to do the following:

- (a) ensure the smooth transition of the operations of the Plant Protection and Quarantine Section of DOA to CQA; and
- (b) examine and recommend any other facts or data as may be necessary to ensure the smooth transition from the transfer of employees and duties of the Plant Protection and Quarantine Section of DOA to CQA.

(g) Vacant Plant Protection and Quarantine positions shall be phased out and not be filled. Future recruitment for Plant Protection and Quarantine Officer duties shall be for Customs Officer positions as approved by the Director of Administration.

This Section shall be effective October 1, 2003.

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SOURCE: Added by P.L. 27-29:V:22 as 5 GCA § 73206. This section was already occupied by another as part of a different topic, so the Compiler created a new Article for these transfer provisions. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 73302. Creation of the Guam Plant Inspection and Permit Fund.

There is hereby created the Guam Plant Inspection and Permit Fund. This Fund shall be used exclusively for the administration, operation, maintenance and improvement of the Plant Inspection Station of the Department of Agriculture and is subject to *I Liheslaturan Guåhan* [Legislative] appropriation. The Guam Plant Inspection and Permit Fund shall be maintained separate and apart from any other funds of the government of Guam and shall not be subject to any transfer authority of *I Maga’lahen Guåhan* [the Governor]. The Director of the Department of Agriculture is hereby required to establish a fee schedule for services provided by the Plant Inspection Station and update all permit fees associated with the issuance of phytosanitary permits inclusive to permit fees and other ancillary operational fees on the importation and exportation of any regulated flora, fauna, or by-product thereof under the jurisdiction of the Department of Agriculture. The fee schedule shall be adopted following the Administrative Adjudication Act. All funds generated from the fee schedule shall be deposited into the Guam Plant Inspection and Permit Fund.

SOURCE: Added by P.L. 27-29:V:23 as § 73207. Changed by Compiler. While this section was placed next to that compelling the transfer of employees, note that the Plant Inspection Station is still the function of the Department of Agriculture.

ARTICLE 4

CUSTOMS FORFEITURE FUND AND ASSET FORFEITURE

SOURCE: Entire Article added by P.L. 36-036:2 (June 11, 2021).

- § 73401. Creation of Fund.
- § 73402. Items Subject to Forfeiture.
- § 73403. Procedure.

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- § 73404. Custody.
- § 73405. Assets Forfeited.
- § 73406. Deposit.
- § 73407. Expenditure.
- § 73408. Report.

§ 73401. Creation of Fund.

There is hereby created, separate and apart from other funds of the government of Guam, a fund to be known as the Customs Forfeiture Fund (Fund), which shall be divided into two (2) accounts: one (1) account to be known as the Customs Local Forfeiture Account (CLFA); and another account to be known as the Customs Federal Shared Assets Forfeiture Account (CFSFA). The Fund shall not be commingled with the General Fund and shall be kept in a separate bank account, administered by the Director of Guam Customs and Quarantine Agency (Director). The Fund shall be expended as authorized by the Director.

§ 73402. Items Subject to Forfeiture.

Notwithstanding any other provision of law, or rule or regulation, the following shall be subject to forfeiture and no property right shall exist in them:

- (a) all controlled substances which have been or are intended to be manufactured, distributed, dispensed, acquired or held in violation of the provisions of Articles 4 or 6 of Chapter 67, Title 9, Guam Code Annotated;
- (b) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting in violation of the provisions of Articles 4 or 6 of Chapter 67, Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA; or Chapter 47 of Title 9 GCA;
- (c) all property which is used, or intended for use, as a container for property described in Subsections (a) and (b) of this Section;
- (d) all conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport,

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or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in Subsections (a) or (b) of this Section, except that:

(1) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this Article, unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or colluded to a violation of Articles 4 or 6 of Chapter 67, Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA; or Chapter 47 of Title 9 GCA;

(2) no conveyance shall be forfeited under the provisions of this Section by reason of any act or omission established by the owner thereof to have been committed or omitted without his or her knowledge or consent; and

(3) a forfeiture of a conveyance encumbered by a bona fide security interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(e) all books, records, and research, including formulas, microfilm, tapes, and data, which are used, or intended for use, in violation of Articles 4 or 6 of Chapter 67, Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA; or Chapter 47 of Title 9 GCA;

(f) all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of Articles 4 or 6 of Chapter 67, Title 9 GCA, and all proceeds traceable to such an exchange, and all moneys, negotiable instruments, securities used, or intended to be used, to facilitate any violation of Articles 4 or 6 of Chapter 67, Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA; or Chapter 47 of Title 9 GCA, shall be forfeited to the Guam Customs and Quarantine Agency making the seizure;

(g) all firearms which are visible, carried during, or used in furtherance of a violation of Articles 4 or 6 of Chapter 67,

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Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA; or Chapter 47 of Title 9 GCA;

(h) all land and real property used by the owner with his or her knowledge or consent which contributed to or facilitated violation of the provisions of Articles 4 or 6 of Chapter 67, Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA; or Chapter 47 of Title 9 GCA; and

(i) all land or real property that was purchased, traded, or acquired by persons using profits or proceeds generated in violation of the provisions of Articles 4 or 6 of Chapter 67, Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA, or Chapter 47 of Title 9 GCA.

§ 73403. Procedure.

Notwithstanding any other provision of law, or rule or regulation, any property subject to forfeiture under this Chapter may be seized by Guam Customs and Quarantine Agency upon process issued by the Superior Court of Guam, except that seizure without such process may be made when:

(a) the seizure is incident to an arrest or a search during a border crossing or port of entry;

(b) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(c) the property subject to seizure has been the subject of a prior judgment in a criminal injunction or forfeiture proceeding based upon this Article;

(d) Guam Customs and Quarantine Agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(e) Guam Customs and Quarantine Agency has probable cause to believe that the property has been used or intended to be used in violation of Articles 4 or 6 of Chapter 67, Title 9 GCA; Article 6 of Chapter 6, Title 11 GCA, or Chapter 47 of Title 9 GCA.

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(f) In the event of seizure pursuant to this Section, proceedings under § 73404 of this Article shall be promptly instituted.

§ 73404. Custody.

Property taken or detained under this Section shall not be repleviable, but shall be deemed to be in the custody of the Guam Customs and Quarantine Agency only to the orders and decrees of the court. Whenever property is seized under the provisions of this Article, Guam Customs and Quarantine Agency may:

- (a) place the property under seal; or
- (b) remove the property to a place designated by the Director or his/her designee.

§ 73405. Assets Forfeited.

Whenever property is forfeited under this Article, the Guam Customs and Quarantine Agency may:

- (a) retain the property for official use;
- (b) subject to any other applicable laws, sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public;
- (c) require the property to be taken into custody and removed for disposition in accordance with law; or
- (d) forward it to any local or federal agency for disposition (including delivery for medical or scientific use to any local agency under regulations of the Attorney General of Guam, or any federal agency under regulations of the Attorney General of the United States).

§ 73406. Deposit.

(a) There shall be deposited into the CLFA all proceeds from the sale of property forfeited under any local law enforced or administered by the Guam Customs and Quarantine Agency, including, but not limited to, 5 GCA Chapter 73; 9 GCA §§ 67.401.9, 67.601, 67.602, and 67.604; 9 GCA §§ 47.20, 47.30, and 47.40; and 11 GCA §§ 6602 and 6603.

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(b) All proceeds from the sale of forfeited property received by the Guam Customs and Quarantine Agency from any cooperative agreement or memorandum of understanding between the Guam Customs and Quarantine Agency and any other government of Guam entity shall also be deposited into the CLFA.

(c) All proceeds from the sale of forfeited property received by the Guam Customs and Quarantine Agency from any cooperative agreement or memorandum of understanding between the Guam Customs and Quarantine Agency and the federal government shall be deposited into the CFSafa.

§ 73407. Expenditure.

(a) The CLFA shall be exclusively used for the following purposes:

(1) the payment, upon the approval of the Director, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, sell, or dispose of property under seizure, detention, or forfeited pursuant to law enforced or administered by the Guam Customs and Quarantine Agency, or of any other necessary expense incident to the seizure, detention, forfeiture, or disposal of such property;

(2) for the training and professional development of personnel;

(3) to develop and maintain facilities utilized by the Guam Customs and Quarantine Agency;

(4) for the purchase of equipment for the Guam Customs and Quarantine Agency; or as deemed necessary by the Director.

(b) The CFSafa shall be expended as authorized by the federal government guidelines that govern the acquisition, use, and reporting of forfeited assets.

§ 73408. Report.

The Director shall transmit to the Governor of Guam and the Speaker of the Guam Legislature, no later than thirty (30) days after the end of each fiscal year, a detailed report of each account of the Fund as follows:

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(a) the estimated total value of property forfeited under any law enforced or administered by the Guam Customs and Quarantine Agency with respect to which funds were not deposited into the Fund;

(b) each account's beginning balance on October 1st of each year;

(c) sources of receipts (seized cash, conveyances, and others);

(d) the net amount realized from the year's operations, the amount of seized cash being held as evidence, and the amount of money legally allowed to be carried over to the following year;

(e) a year-end report of each account balance;

(f) a report for such fiscal year, containing financial statements, reviewed by the Public Auditor, and an audited report every three (3) years, including profit and loss information with respect to forfeited property (by category), and financial information on forfeited property transactions; and

(g) any other pertinent information.



THE OFFICE OF SENATOR TELENA CRUZ NELSON

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN | 36th GUAM LEGISLATURE

COMMITTEE ON

EDUCATION,

SELF DETERMINATION
AND HISTORIC
PRESERVATION,

INFRASTRUCTURE,

BORDER SAFETY,

FEDERAL AND
FOREIGN AFFAIRS,

AND

MARITIME
TRANSPORTATION

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation convened a Public Hearing on Bill No. 292-36 (LS) – “ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE,” on Thursday, June 16, 2022 at 3:00 P.M., in *I Liheslaturan Guåhan* Public Hearing Room.

Public Notice Requirements for Thursday, June 16, 2022

Public Hearing Notices were disseminated via email to all senators, stakeholders, and all main media broadcasting outlets on Thursday, June 9, 2022 (5-Day Notice), and again on Tuesday, June 14, 2022 (48-Hour Notice). Notice was also provided on the Guam Legislature website at guamlegislature.org and on the Guam Daily Post.

Senators Present

Senator Telena Cruz Nelson, Committee Chairperson
Senator Mary Camacho Torres, Committee Vice Chairperson
Senator Telo T. Taitague, Committee Member
Senator Joanne Brown
Senator James C. Moylan

Appearing before the Committee

Ike Q. Peredo, Director, Customs and Quarantine Agency
Philip Taijeron Jr., Acting Chief of Customs, Customs and Quarantine Agency
Johnric Mendiola, Customs Officer III, Customs and Quarantine Agency

II. SUMMARY OF TESTIMONY & DISCUSSION

The Roundtable Hearing was called-to-order at 3:07 P.M.

Senator Telena C. Nelson: *Buenas and Håfa Adai.* Thank you for being here with us today. The Committee on Education; Self-Determination & Historic Preservation; Infrastructure; Border Safety; Federal & Foreign Affairs; and Maritime Transportation will now convene this public hearing. Today is Thursday, June 16, 2022 and it is currently 3:07 in the afternoon. For the record and in accordance to the Open Government Law, public notices were sent out via email to all Senators, Stakeholders,

and the Guam Daily Post on Thursday, June 9, 2022 and the second notice in June 14, 2022. Notice of today's hearing was also available on the Guam Legislature's website.

Joining me today we have Senator Joanne Brown and Senator Telo Taitague, thank you Senators for being her today.

Today on our agenda, we have Bill No. 114-36 (COR), which is an act to amend §73102, §73107, §73109, §73141, and §73142 of chapter 73, title 5, Guam Code Annotated, relative to powers of Customs Officers, definitions, guard on vessels, place of inspection, and release of sealed cargo at Guam's Port of Entry, and to further updating the penalties in violation of these statutory requirements.

The next Bill that we have is 289-36 (LS), which is an act to add a new §73157 to article 1 of chapter 73, title 5 Guam Code Annotated, relative to authorizing the Guam Customs and Quarantine Agency reorganizational authority for the purpose of providing assistance to better safeguard our island and shall be known as the "Customs Reorganization Act of 2022".

And the next Bill will be Bill 292-36 (LS), which is an act to amend §73203, §73204, and §73205 of article 2, chapter 73, title 5, Guam Code Annotated, relative to charges for carrier off-duty services of Customs and Quarantine Officers and to further establish a Customs carrier off duty services customs administrative processing fee.

I understand within the past couple of hours, there have been some information that has been brought forth to our committee in regarding two of our Bills. So the first Bill that I will start on is Bill No. 292-36 (LS). Bill No. 292-36 (LS), is an act to amend §73203, §73204, and §73205 of article 2, chapter 73, title 5, Guam Code Annotated, relative to charges for carrier off-duty services of Customs and Quarantine Officers and to further establish a Customs carrier off duty services customs administrative processing fee.

The CQA implemented the off-duty service program to provide services to Guam Customs Shipping and Cargo Stakeholders. So, they gain clearance of goods arriving by ships and cargo at their earliest convenience. To include any day of the week- Sundays, Holidays or between the hours of 5:00pm and 6:00pm at an additional cost. With the current shortage of Customs Officers and the restrictions found in the ODS Statues. CQA finds it difficult to staff and assign officers, who have reached their ODS charge cap, which prevents Customs Officers in the ODS Program to not exceed a maximum charge of \$275 dollars per officer, per day. Officers who have reached their cap are prohibited from accepting additional assignments and in turn takes officers performing regular operations to be placed on ODS duty, because of the ODS charge, the CQA also experience adverse financial impacts, unfunded mandates and operational constraints. This Bill seeks to rectify the problem by removing the ODS charge cap, so that the ODS

Program remains beneficial to shipping and cargo clearance Stakeholders, Custom Officers and the Government and I would like to read for the record those present to testify for Bill No. 292-36 (LS). Which is Colonel Phil Taijeron, Director Ike Peredo, and Mr. John Ray Mendiola. Okay Director, I will open the floor for a testimony or perhaps a presentation that you have and if there's anyone else that would like to speak, who have signed up to give testimony on Bill No. 292-36 (LS), I will afford the time for the members on the panel. Director?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Good afternoon Senator and members of this Committee. My name is Ike Peredo and I'm the Director for the Customs and Quarantine Agency with me today, I have Colonel Phil Taijeron to my right and I also have Customs Officer III Johnric Mendiola with me today.

[See attached testimony for Director Ignacio Peredo]

Senator Telenia C. Nelson: Thank you Director. At this time, I'll open it up if there are any questions from my colleagues to you. We'll start with Senator Brown. Senator Brown do you have any questions or comments on this Bill?

Senator Joanne M. Brown: Yes, if I can ask the Director to clarify this process. You're talking about bringing in your officers to accommodate any additional requests for inspection or clearance of their cargo outside of what your regular duty hours that you have?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Yes senator. So, what happens here is, we operate from eight to five, down at the Port to include up at cargo and so anything after five o'clock, importer or consignee can request for services. If they have cargo's coming in at ten o'clock in the evening, then we can make arrangements based on this particular law and allow the officers to clear such shipment. Likewise after midnight, if they desire that they need their cargo at three o'clock in the morning then we have to provide the services, because they're the ones that's going to be paying for the services.

Senator Joanne M. Brown: And so the services that they're paying for, you're saying current law requires the cap at 200 and what 75 dollars?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: A day. Yes.

Senator Joanne M. Brown: And how much. Which officers are you having doing these inspections, because I've heard in the past, I was at the Port for six years, sometimes it's the senior officers that come down to perform this duty and complaints from the newer lower ranking officers, that they're never really given the overtime or the opportunity to

do this kind of work, as the senior officers are there on top of their higher salaries doing these kinds of inspections. What is the deal here, I mean I'm sure there was a reason the cap was put in place. I don't think we wanted to get it to the point that it gets abused either right or it just becomes a profit opportunity for officers. So, what's the justification that, what would be, should there be any limit put in it?

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: There is a policy in place, where officers that are able to work this particular ODS Program, they have a listing that they have to use and officers are called based on their terms of this particular list and so regardless, whether you're a senior officer or a junior officer, if your name comes up then that's the time.

Senator Joanne M. Brown: Is there any difference in the amount that's paid per hour or is it the same hourly rate?

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: Yes. The hourly rate is different.

Senator Joanne M. Brown: Is it the same amount charged to the customer? If I'm calling you at three o'clock in the morning to inspect my cargo, how much am I going to pay depending on whoever shows up? Do I have a set rate? What would that rate be? What would you charge me?

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: The way the law reads, is that it's three times the officer's pay. So, if I am making forty dollars an hour and I'm called to come in at three o'clock in the morning, so my first hour will be forty times three is one-twenty.

Senator Joanne M. Brown: So, you mean that figure can change depending on the hourly rate of the officer that shows up?

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: Yes, it all depends on the officer, every officer has different pay.

Senator Joanne M. Brown: Why isn't there a standard rate and if they want to cover it, they cover it. If they don't, they don't, because again that's been the complaint in the past and it has happened, you've had senior officers that are you know, they're up in the pay and the seniority and the rank and they're the guys showing up at three o'clock in the morning and I doubt it's because the younger ones are you know they just can't get up to do the work.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: The policy don’t discriminate against the officer Senator, that is why we have a listing and they have to follow that listing. So if your name comes up and you don’t want to work at two o’clock in the morning, then you just decline the request and the next officer will come.

Senator Joanne M. Brown: But there is no consistency in the charge is my concern. There’s no consistency in the charge, if I get a senior ranking officer at three o’clock in the morning, then as a customer I’m going to paying more versus a junior officer coming in at three o’clock in the morning, is that what you are telling me?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Yes.

Senator Joanne M. Brown: Then why don’t you have your guys working on shifts, because you know the world and certainly cargo doesn’t work eight to five, you know the Port even has shifts they have their personnel that come in the evenings and perform duties and unload a vessel. I don’t have extra special hours for employees that were being charged differently and unloading a container at three o’clock in the morning. Why is it that way for customs, don’t your people work on shifts?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: We work on shifts up at the airport, the airport is a 24 hour shift, cargo down at the port and up at the airport it’s not 24 hours, because it all depends if a cargo is available. I mean why am I going to put a shift on a particular day when there’s no cargo to be released. That’s the reason for this. And this is not mandatory, it’s voluntary, if you want your cargo at three o’clock in the morning, then of course we have to go and find somebody.

Senator Joanne M. Brown: Sir, I just want to make sure this is fair and even for the customer, because I also. Please we all know that Customs in the past has not had a clean hands, we know that for a fact. The last Government officials convicted down at least of the Port are customs officials, partnering with shippers to bring in illegal cargo into Guam, not just indicated, but convicted. So, I just want to make sure for the public, because you know you’re asking for an awful lot it, almost sounds like we’re literally creating a new Customs Division that never existed and I also, I don’t know if we have any members in the public here to testify that bring in cargo, do they find it acceptable that these charges can run up or down depending on who shows up to do the inspection? Those are fair questions. I’m not going to sit here and just oh yeah let’s hand you whatever the heck you want, but is that working also for the shipping companies and the members of the public that may need their cargo at that hour. I just want to make sure we don’t have Government officials taking advantage of the public, because they have the authority to do it.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: I can assure you that they’re not taking advantage, because.

Senator Joanne M. Brown: I’m sure you want to assure me, but I can’t, I can’t try, I don’t, I’m sorry I’ve been around long enough. If you trust every single officer out there, you really do?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: I trust my officers.

Senator Joanne M. Brown: Well that is nice to know, I hope all the officers you have, have clean hands, because they got a lot of power. I just want to make sure they’re not abusing it and I want to make sure, because I now having been down there this has been an issue. So that’s why I want to know whether or not we should have a consistent fee that’s charged and if that officer wants to come in at that hour for that fine, if they don’t because I don’t necessarily know this is why we’re not basing this to meet the needs of the customer, we’re basing it to meet the needs of the Government.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Senator, we are just following the law and that is the ODS law that was passed.

Senator Joanne M. Brown: I understand, but you know laws can be changed and that’s where the concern I have is this.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: That’s up to you Senator, if you want to change the law.

Senator Joanne M. Brown: Hey I don’t need you to raise your voice to me, I don’t need you to raise your voice.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: I’m not raising my voice, I’m just expressing my opinion.

Senator Joanne M. Brown: Well I’m expressing my view too and I’m not here representing a department. These are legitimate questions, I’m sure most people will ask, because unfortunately like I said there’s been big questions with Customs as well. If you guys came here with clean hands and you’re all angels, wonderful, that has not been the case, that has not been the case you want all these authorities to go and do these inspections, which I know in the past on vessels have not happened.

Senator Telenia C. Nelson: Senator, if you just give me a moment to interject? Director, through your leadership, have you had any indictments of Customs Officers on through the time you’ve been in leadership?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Not since I came in Senator.

Senator Telenia C. Nelson: Ok, thank you Director.

Senator Joanne M. Brown: Well, that doesn’t mean it doesn’t exist, let’s not kid ourselves. There’s always a certain percentage unfortunately of people that are in positions of power that abuse it, irrelevant of your tenure or the next or the next, but that’s been the reality. So, I’m simply bringing this up, because maybe that’s something we need to look at because I don’t know, unless there’s anyone is there anyone is there anyone here from the public that’s a customer of Customs here to testify or are you all Government officials?

Senator Telenia C. Nelson: Senator, if I may interject?

Senator Joanne M. Brown: I don’t need you to interject Senator Nelson, I mean allow me to ask my questions. I think I’m big enough and old enough to do that.

Senator Telenia C. Nelson: For the record Senator, I am the Oversight Chair, this is my Committee, I am going to make sure that for the record the public knows that this notice was sent out via to all emails to Senators, stakeholders and the Guam Daily Post on Thursday, June 9, 2002 and the second notice on Tuesday, June 14, 2002 in accordance to the Open-Government Law.

Senator Joanne M. Brown: Was it published?

Senator Telenia C. Nelson: Yes.

Senator Joanne M. Brown: Oh, that’s good. Well again, I’m still asking the question, I mean do we have a panel of all Government officials here, is there anyone from the public? Okay, so we have one person from the public. Thank you I look forward to your comments. I’m simply bringing this up, because again the abuse has happened in the past, hopefully it doesn’t happen moving forward, but this has been an issue and it’s been a legitimate issue that’s been raised and so maybe if you let us know how you’re doing your rotating, if the schedule is published and everyone has an equal opportunity to do this and maybe that’s fine, but I certainly hate to see senior officers abusing the opportunity, because they can go in the evenings and do these inspections. When people have an incentive to line their pockets, sometimes they don’t always do the right thing and so, that’s the concern I have. What if we were to propose standard rates as the Port has to propose standard rates for any service they perform? There’s no specialty paid

depending on who happens to be on that gang that evening. There is a set rate they have to pay to perform a service.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Well that is the Port Senator, we are Customs and we have this particular law ever since.

Senator Joanne M. Brown: I understand, but laws can be changed very quickly, you know the question is, is this fair to the consumer to go to according to whoever may show up. I really don’t know what the fee is going to be, it could be this amount, it could be this amount, it could be this amount depending on whose salary I’m paying that’s why I’m asking. Do we simply standardize as we do for other government services standard fee that’s not based upon who’s showing up to do the inspection, then its fair and it’s clear. There’s no incentive for anybody else to take advantage of it if it’s the same for everybody, if it’s an after hour, because trust me it doesn’t exist for any other employees there that shows up to do the work, even if it is to move a container, there’s no separate fee because I have the supervisor moving the container and I’ll be curious to check what they do in other jurisdictions, same thing? They’re separate special pay depending on who shows up if it’s a senior office that I’m going to pay more if it’s a junior officer I’m going to pay less. So, I’m bringing that up because I just don’t know if that’s how we should be going charging with regards to the specific issues. Other than that with regards to do you have this available for both the airport and the port is this just at the port? You were saying that you don’t have as much cargo coming in at the evening up at the airport?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: it’s both the terminal cargo and the port. This applies to terminal cargo and the port.

Senator Joanne M. Brown: on a weekly basis, how many requests would you get like this?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: It all depends on the flight.

Senator Joanne M. Brown: On average?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: For example, the airport.

Senator Joanne M. Brown: On average, you keep statistics on what your weekly or monthly inspection schedule is after hours that’s needed for clearance.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: I don’t have an exact number, but that there’s a quite a few requests especially up at cargo.

Senator Joanne M. Brown: How much? The general number?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Probably 15 up at the airport, probably 15 request.

Senator Joanne M. Brown: Okay. On a month, just an average again, I understand it can fluctuate, how about for the port on average?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: It all depends on the port, again if a vessel comes in at two o’clock in the morning, the agents will request for the officers to be there to clear the vessel and then that’s the vessel, but then once cargos are cleared at the port, If there is need of an inspection and the consigning request, let’s say on a Sunday that they need to clear their cargo, then we do have officers that are also assigned to clear the containers down.

Senator Joanne M. Brown: And how about with regards to cargo that’s taken off site to other locations, which has been the case where inspections are done off-site? They are done at the port, maybe it’s done at the location for bringing in you know fruits and vegetables?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Yes.

Senator Joanne M. Brown: Does that also count if they’re taking the container off-site before its open and cleared by Customs?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Yes.

Senator Joanne M. Brown: You do have situations like that, where the containers are taken off the port without inspection?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Yes. We schedule container inspection upon request and the officers are made available to provide their services, if the consignee request.

Senator Joanne M. Brown: Can you provide us for at least this year, I’m going to request if we could get a copy at least of the six months of your listing of your roster of who performs these inspections and when they were performed? I assume you keep records of that.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Okay.

Senator Joanne M. Brown: At least from January on, so that we can look at it before we address this bill on the floor. Thank you Madam Chair for giving me an opportunity to provide my comments and questions.

Senator Telenia C. Nelson: Thank you Senator, you are welcome. Senator Taitague?

Senator Telo T. Taitague: *Si Yu’us Ma’åse* Madam Chair. Mr., well Chief or Director, I can call you Ike. I know you as Ike, but Ike fifteen, you mentioned about fifteen inspections, is that monthly? Or Weekly? Or daily? That we got the number.

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: That can be daily.

Senator Telo T. Taitague: So, fifteen inspections daily?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: Yes.

Senator Telo T. Taitague: that is not from eight to five?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: That is correct.

Senator Telo T. Taitague: Okay, so daily? So, you’re looking at times four, so you’re. Okay, so sixty a month. I have to ask this question, that the bill I mean you’re following what’s already in Guam Code Annotated, right The law says two hundred seventy-five, that’s already in the law. Why was it put there in the first place?

Ignacio “Ike” Peredo, Director-Customs and Quarantine Agency: I’m not too sure, I was not here when they initiated the quota, and maybe one of my officers can.

Senator Telo T. Taitague: Mr. Taijeron, I know you’ve been with Customs for quite some time, maybe you can enlighten me on why this law is currently in law? I’m sure that there is a reason, why we put two hundred seventy-five cap on it and I think my colleague Senator Brown, who I have a concern with regards to you know passing this cost on to the customers. You know, it’s bad enough everything is rising in cost and if were changing this and leaving it like an open book as far as what we can charge these business, it is only going to be passed on to the consumers. So, I think that maybe that has something to do with it, but I know you’ve been there Mr. Taijeron, you’re now Captain or Colonel? I’m sorry.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Colonel, Senator.

Senator Telo T. Taitague: Colonel. I want to make sure I get that right. Colonel Taijeron, can you explain?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: *Hafa Adâi* Senator, Madam Chairwoman. I'm Colonel Taijeron from the Customs and Quarantine Agency, I'm the acting Chief today, because Chief Perez is on military leave. One of the reasons, I'm aware of that cap was set in place was because of officer fatigue. The Director at the time was concerned that officers would be performing hours in excess of sixteen hours in a day and that number was identified as a means to control officers being overworked and fatigued.

Senator Telo T. Taitague: The two hundred seventy-five cap right that is the amount that's charged to consumers, correct? The consumer that wants their...

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: That is not the rate that is charged Senator, that is just the ceiling right there.

Senator Telo T. Taitague: The ceiling, right?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: No officer can exceed that.

Senator Telo T. Taitague: Exceed that.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: In fact that cap has prevented a lot of senior ranking officers from taking on assignments that would cause them to abuse the system, because they exceed they're not going to be able to accomplish clearing a vessel along with their junior officers, because of the rate that they make. So, they might have to clock out two hours into the clearance of that vessel and so that's one of the reasons we're trying to remove the cap.

Senator Telo T. Taitague: So, that you can continue to charge this amount to the business?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: To the requestor, who requested voluntarily for this service. You know in the business part of what we are missing. I completely understand the discussion on people taking advantage and corruption, those people have been caught and they were taken care of. Now, if there are others that still exist, we're going to find those people and take care of them as well, we'll get there but going back to this program, the program exist for us to provide a service. A voluntary, a service that's on request at any time during this process, the requester can say "Hey, I ran out of money Mr. officer, can we just stop here" and

then what will happen is that we'll have to find another officer to come in and accomplish or finish that request or the cargo would have to be held and then cleared the next day. In a lot of times the business people that are requesting this clearance, they're requesting so they can have a competitive advantage over their business competitors and that's the way I understand it. None of this is being forced on them, if they request it, we have a policy that's set in place. The requirements are clear, there's a rotation as the Director described, we have supplementary standby list and in fact that supplementary standby list is much shorter than it used to be. I will tell you one thing about legacy officers or our tenured officers, they are probably the hardest working ones, they work the most O.D.S. and it's not and I don't think they're just engineered that way, they've become accustomed to working those extra hours and it's not because they're taking advantage of the roster, in fact a lot of times they can't work anymore, because they've already exceeded the two hundred seventy-five dollar cap. I hope that answers your question Senator.

Senator Telo T. Taitague: In a way, I'm just you know for those also trying to understand why we are lifting a cap and the concern of the consumer having any kind of additional fund being you know or fee to the, which is the business. Let's just say a guy brings in a can of spam right and that cap is no longer in place, that means the Customs can charge whatever they want to charge or it could be up to five hundred or six hundred and that is going to be passed on to the consumer right. So, it's a concern I think, so I'm just trying to see the pattern here, how much you know, because it was put into law in the first place for a reason, so I'm trying out what that reason was and here we want to lift that cap and just have it open. So, a Customs Officer is called to inspect a container at three o'clock in the morning, the officer comes and he's on I guess on a time frame right, because it's his salary times three that you mentioned right, is that correct times three? So, once he hits his salary or it goes to two hundred seventy-five, which probably won't happen when it takes how many hours by the way to clear containers, average? Like a couple hours? Three hours?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: It does, it could take up to four hours, even six.

Senator Telo T. Taitague: Okay.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: So standard routine inspections where the risk is where the risk is minimized because of our experience with the consignee or the owner of that container can change what the officer's discretion is as far as how in-depth the inspection goes.

Senator Telo T. Taitague: So that one particular officer who comes is it one or two that you should go. I mean, I'm sure you would want to backup... you know... someone there right?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Right.

Senator Telo T. Taitague: So it is 275 per officer or is it per inspection?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: It's per... it's per request. I'm sorry, per officer.

Senator Telo T. Taitague: Per officer. Okay, 275 so it can go up to... you... past 600 or 500. Yeah, 600. So once they pass or exceed that time frame then they have to stop right. Can the business owner who that what you call the lessee or what do you call them?

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: The consignee.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: The requester.

Senator Telo T. Taitague: The customer, yeah. Okay the customer, he would have to... you would have to be relieved and call two more officers on duty to continue?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Know what and that's and that's why we're requesting for the cap to be removed so this program is intended for the requester to pay for all the costs-

Senator Telo T. Taitague: Okay, so stop right there.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Yeah.

Senator Telo T. Taitague: This cap is based on the inspection and the because you're saying that's why you were requesting to life the cap. I've asked that it says each person at 275 you're not talking about the event itself. You've got two officers.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Right.

Senator Telo T. Taitague: They can't exceed 275 dollars each, right? Once it stops their... you know... they met that mark through their salary of 275. They have to leave...

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: No that's not... that's not our... so the process what happens is when they hit that cap, our

policy is that those officers who took on that task revert to the government overtime and so now this program that's supposed to be paid by the requester is now being funded by the government of Guam.

Senator Telo T. Taitague: I see.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: So that's why we're requesting the cap removal, is so that-

Senator Telo T. Taitague: You can continue to...

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: The requester continues to pay for what they're asking for.

Senator Telo T. Taitague: So during the whole entire time you can continue to charge him three times the salary for that individual which is... which is just right. you call them out at three-

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: No ma'am, we have the three times the salary is only for the first hour.

Senator Telo T. Taitague: Oh, okay.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: And then every hour after that is a time and a half.

Senator Telo T. Taitague: So the cap is basically to allow you to continue... can continue charging... you know.. can you continue on. I see. Okay now it makes sense. How this... how this all works. Do you actually have data available for the off-duty service costs that have been shifted to government of Guam? You know from the...

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: I... I've not made that calculation.

Senator Telo T. Taitague: You don't have those numbers? I mean we're here discussing a Bill that talks about numbers, you know... 275, lifting the cap, how much it's going to coast. We should at least have those numbers of when it shifts to government expense.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Okay so we can provide that. I don't have that- Johnric, where you...

Johnric Mendiola, Customs Officer III-Customs and Quarantine Agency: We can... we don't work on getting the information.

Senator Telo T. Taitague: I'm curious to see how much the government of Guam pays after they've reached that 275. Okay and I think it was mentioned everybody has an opportunity to roster. How many customs officers are participating and take part of the OSDA program. You mentioned you... you'd brought up earlier... I have... I know that Chelsa is here. I'm glad she's here because it also... this bill strikes out Department of the Agriculture. So can we explain why Agriculture is striked out of this bill.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Would you like me... Are you asking me Senator? Or are you asking Miss...?

Senator Telo T. Taitague: I think... are you... well she hasn't testified that. Chelsea are you here to testify on this bill? Are you familiar with this legislation? Can you answer my question? Is how do you feel about Agriculture being striked out on this... on this bill.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Can I answer the question first?

Senator Telo T. Taitague: Sure.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Yeah because I helped you craft this legislation.

Senator Telo T. Taitague: Okay.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: The reason they're removed-

Senator Telo T. Taitague: But then I want to hear from her too as well.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Yeah well the reason they're removed is because this position no longer exists at the Department of Agriculture when the PPQ was transferred to Guam Customs that removed that position from the Department of Agriculture. So that's the reason we're making that recommendation.

Senator Telo T. Taitague: I see. Concur Chelsa?

Chelsa Muña-Brecht, Director-Department of Agriculture: And I do concur that was going to be my response, is that it moved with the PPQ.

Senator Telo T. Taitague: Okay, thank you so much. What methodology did the agency use to arrive at the proposed eight dollars administrative fee and is the amount adequate to cover the actual cost that are involved in providing the off-duty services when requested.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Yes senator. That amount was determined by basing it on the current assigned Clerk 3 that we have whose, sole duty is to perform, as the Director testified, the reconciling, the collections, and all billing that's required. And so looking-

Senator Telo T. Taitague: What background does that person have.... I mean are they... they have a statistic major or what I mean how do you come up with this eight dollars other than it's just her

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: That's... that's the rate. We looked at her annual salary and divided the total hours of work performed in a year and came up with the hourly salary of eight dollars. I'm sorry for the charge.

Senator Telo T. Taitague: Okay so that's that.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: So the charge is based on the total instances that it could take place over a year and comparing that against the salary of our current... currently sitting Clerk 3.

Senator Telo T. Taitague: Okay well how many businesses and individuals take advantage of this program... the ODC?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Based on the director's last testimony, daily it could... it could consist from 15 to 20 different consignees making the request.

Senator Telo T. Taitague: By the way, was that done in one Airport is 15? Or is that Port 15? Or is it-

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: When he says-

Senator Telo T. Taitague: Combined?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: When he says the Airport- that's combined. When he says the airport, he means the air cargo...

Senator Telo T. Taitague: Yeah...

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: And the Port cargo.

Senator Telo T. Taitague: So that's combined. 15 a day is combined right. I would say night time because you guys only work... yeah... and that was another question I had. Is why not make shifts... different shifts... you know... you have a group of customs officers who work from eight to five and then you have customs officers working from five to... you know... eight hours into that time? So I'm...

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: We have been in front of this body and testified about the shortage of officers that we have. And in fact, back in 1994 we had, I believe, 250 officers and today we only have 105. And so programs like this actually help the public, the business community, to get their goods cleared, but without that, a lot of times we're going to have to deny the request because we don't have adequate personnel on duty, even on shift to perform these clearances. It's why these business community has sought to use this program in the past for the last two decades. It works for them.

Senator Telo T. Taitague: Well... you know... I ... we've had issues of course in the last few years because of the pandemic, but regarding the carry-off duty service revolving fund, how has the pandemic related restrictions and the frequency of the freight movement into Guam impact the ODS request and fund collection since 2020?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Well... you know... for us... and even if we go into the Port's annual report with regard to their throughput, there has not been much of an impact from COVID-1, and if the reduction was in place, it was small, at least from my review. As far as the airport, air cargo continued to come in similarly and I don't have exact numbers, but if that's a figure that you might require senator, that'll have to be a do-out for me. If you require it.

Senator Telo T. Taitague: Okay. The legislation seeks... you know... to delete the ODS Cap of 275 per officer per day and instead adds Section 6224 of Article 2, Chapter 6, Title 4 GCA which is the 10% hazardous duty pay rate. What is the intent of the 10% and what calculations have been determined to use this pay rate?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: That 10% is the standard hazardous duty pay rate for customs officers. So when customs officers go out and perform that off duty service, then they're entitled to that hazardous duty pay during that instance as well.

Senator Telo T. Taitague: Yeah, okay because it well you're taking out the cap and then you're adding that Section 6224. So the intent is to- what is the 10% intent for? Just to include it into the bill? To ensure the hazardous pay is...

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: That is correct because if we do not do that, then our officers are going to come back to the government and ask-

Senator Telo T. Taitague: Which you have a hard time with DOA right?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Well no, that's already been resolved. That was actually-

Senator Telo T. Taitague: Then if it's been resolved then why are you putting it in?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Because in this program, it was not resolved. It has not been identified in this program.

Senator Telo T. Taitague: Well I heard... I mean we've heard the argument between DOA and the hazardous pay and why they haven't paid it out and it took so long... you know... we've been trying to get that paid out but it's been resolved in that perspective. So this is part of customs, just don't- and you're using the same officers so I just don't understand why it's needed.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: Our regulation and the law restricts how it is that we pay, and in that... in the old... in the old language there was no mention of the hazardous 10% hazardous duty pay being included in that, and that's the purpose for us introducing it in this legislation, is so the officers are compensated for that hazardous duty performance.

Senator Telo T. Taitague: Okay.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: And that 10% will be paid by the request as well and if not them, then our officers will be coming to us asking us to pay for that 10% because this is a customs program and we're supporting the program allowing them to work. So...

Senator Telo T. Taitague: Is any of the portions of the carrier off duty service revolving fund reserved for administrative expenses incurred by customs and quarantine or DOA?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: I apologize could you repeat the question senator?

Senator Telo T. Taitague: Yeah, is there any portion of the carrier off duty service revolving fund... revolving fund... I'm sorry not resolving ... revolving fund reserved for administrative expenses incurred by the Customs and Quarantine or DOA administration?

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: No. no Senator.

Senator Telo T. Taitague: Okay.

Philip Taijeron Jr., Acting Chief of Customs-Customs and Quarantine Agency: The charge itself when... whenever the billing is executed by the officer for the off-duty service charge, there is already the charge for the Department of Administration. It's included on the billing form, however there is no method for Customs to collect for the administrative process performed by the customs personnel. Our support person- our admin support personnel. So again, this program is intended to be self-sustaining at no costs to the government, and that's our entire purpose for introducing these costs.

Senator Telo T. Taitague: Okay, well I appreciate you answering my questions and I greatly appreciate the question I asked that weren't able to provide me and that is the cost for the government of Guam expense on the shift, once you shift from the CAP over to the government of Guam expense. So I'd like to see those numbers and to get a more of a reality on how many participate on a daily basis... you know... if that's to- or on a weekly basis something close enough to give us some numbers... you know... to be accurate. So again, I appreciated your time and thank you Chelsa for being here too as well to answer that one question appreciated it okay and having your concurrence on this legislation as well. You do support it? I haven't heard anything from you. Do you support this legislation or have you had chance to review it at all?

Chelsa Muña-Brecht, Director-Department of Agriculture: I apologize senator. I... we received the legislation or the notice on Tuesday, so I've- we've kind of been doing a really cursory review of it so we don't have a comment at this time because... yeah... well we would like to provide comment within the 10-day period.

Senator Telo T. Taitague: Yeah. Okay. Yeah. It would be redundant actually if you had this. Okay thank you so much, thank you Madam Chair.

Senator Telena C. Nelson: Thank you Senator Taitague. I'd like to welcome my colleagues for joining us today. Senator Mary Camacho Torres, thank you and Senator Jim Moylan, thank you for being prompt. Senator Torres, do you have any questions or concerns on this bill?

Senator Mary C. Torres: Thank you Madam Chair. I was listening with great interest the discussion that was going on about the implications of 292-36 but I think what I see in this bill is a very practical approach to what is right now an impractical situation for a lot of our businesses and also for customs I see the one thing about this bill is that it restores it... restores a no-cost to government aspect of the off duty services program which I think is critical so the initially the lifting of the cap always leaves one to wonder... you know... what then would be the negative outfall but I think in this regard the lifting of the cap in fact is a positive not only in allowing for the greater availability of availability of officers but also the reduction of overtime costs and the reduction of comp time compensation which also leads to a shortage in the long run. So there are many things about why bill number 292-36 is a sensible fix right now for a situation with customs. I just want to have you director talk a little bit about the challenges that you have presently with the clearing of cargo because we Guam being in its geographic location we first of all have the inconvenience of time delay right waiting for shipments to come versus if we were on the continental U.S. and could receive things by truck or rail so Guam already has that disadvantage of time and then with the supply chain challenges that have happened as a result of COVID access to supplies and goods has also been a challenge for many of our businesses so would you agree that we are not only dealing with addressing how to have more people available but also having more goods readily available to our businesses in our community by through building 292 we make it easier for those two components to function in terms of the... sorry... we have right now businesses wanting the convenience of expediency right access to their goods because there's not only the delay in getting goods but there's a supply chain... supply chain shortage and challenge right now in for the past two years. So would you agree that 292 also facilitates in that way our businesses in our community. Okay, yeah. I saw the... in the bill too I think what is what is also one thing to note I that this and I want you to discuss a little bit of you can the availability of manpower because I can see how if you... you had to have a system that either caused you to give... to give comp time in exchange to pay? Right then you're taking more men off of the line, right, more or less, yeah. So then that just compounds your problem but I think where I would support this bill is that 292 really the option to utilize this off-duty services program is at the request of the businesses correct?

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: Yes.

Who will then bear the expense of paying for that additional off-duty services program.

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Right, yeah. So it's it seems like a sensible thing from in terms of the businesses wanting access to their goods which we know on Guam sometimes it could be anything from a critical part for a repair or supplies for pharmacies or even food that... you know... sometimes the delay of even one day is critical to the businesses and the community so I don't find anything in your testimony alarming necessarily I think that sometimes we have situations where expediency and efficiency and operations need to be smoothed out and if something like having a cap you know that prohibits you from going beyond or it then triggers you to pay more out of the government coffers. I think that those things need to be corrected and I would agree with you also made you tired on that 292 has that advantage of easing up and the only last comment. I want to make Madam Chair is that the fiscal note does indicate that this will allow for greater revenues to customs and quarantines which is always a challenge especially now to your agency. Would you agree?

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: I agree.

Senator Mary C. Torres: Okay, yeah. I don't have any other further comments. I just think generally it seems to be a sensible fix to what has been a challenge for the agency and perhaps more advantageous than there would be negative repercussions because those negative repercussions are really at the discretion of the businesses who bear that expense anyways the pass-through of course is something that we understand but that's not a general rule with bill 292. It doesn't automatically implicate that there will be added costs because there's situations that would prompt a business to request and pay for those additional services which anyone who understands business... understands that there are times when you absolutely need something and you're willing to pay top dollar to access your goods. So this is one of those situations which I think is it's very real and practical right now so Si Yu'os Ma'ase for your testimony also.

Ignacio "Ike" Peredo, Director-Customs and Quarantine Agency: Thank Madam.

Thank you Senator Torres. Senator Moylan, do you have any questions or comments for the panel?

Senator James C. Moylan: Thank you Madam Chair. Thank you to the panel and this build on 292. I appreciate the explanations pretty clear. My colleagues, Senator Torres here would as also hit it right on the nose. I think something we need to get done helpful for the business community as well while we work to increase the manpower, that customs desperately need. So thank you very much. Thank you Madam Chair.

Senator Telenia C. Nelson: Thank you Senator Moylan. So before we move on to the next bill I just want to reiterate the request by members of this panel here is the amount that the government pays after the cap is completed or however they had supplemented it

and I think Senator Taitague, you had a request also for information. Oh that was it okay. So just that one item. Okay. Okay and the process on how you identify officers that are assigned to perform this off-duty service and a roster of the previous services that you provided for the client in reference to off-duty service yeah on an average chair on an average how many do they service on an average on an average how many do they service on an average on the daily basis for both port and airport thank you so the average of the service the off-duty service on a daily rate how much you provide for both the ports and the airports. Okay if you could submit that to the committee thank you much. Okay, we are concluding with bill number 292-36 is and now we will move forward with bill number 114-36 COR.

[Hearing transitions to Bill No. 114-36 (COR)]

III. FINDINGS & RECOMMENDATIONS

At the conclusion of this Roundtable Hearing, the Committee was able to ascertain the following information:

- The rate at which a customer is charged for off duty services is three times the officers pay. Because of this, customer charge may vary depending on the officer conducting off duty services.
- According to the CQA, cargo clearing at the Airport and the Port is based on availability of cargo, and so is not a twenty-four (24) hour shift.
- Off-Duty Services are voluntary, not mandatory.
- According to the CQA, on average, fifteen (15) inspections are done daily between the off hours of 5:00 PM and 8:00 AM.
- Originally, the ODS Charge Cap was placed due to Officer fatigue.
- On average, container clearing can take anywhere between four (4) to six (6) hours.
- Once the two hundred seventy-five (\$275) service charge is reached, Officers default to overtime paid by the Government of Guam.
- The ODS service charge of three (3) times the Officer's salary is for the first hour only. Every hour after is one-point-five (1.5) times the Officer's salary.
- The eight dollar \$8.00 administration fee was determined by comparing the total instances off duty services took place over a year to the salary of the Agency's current Clerk III.
- On average, fifteen (15) to twenty (20) different consignees make a request for off duty services daily.
- The Agency is unable to incorporate a shift schedule for off duty services due to a shortage of Customs Officers.

- A list of Officers who perform off-duty services within the last six (6) months will be provided by the CQA.
- CQA will provide the amount the Government of Guam has paid for overtime incurred during overtime duty services.

The Committee on Education, Self Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation, hereby reports on Bill No. 292-36 (LS) – “ACT TO *AMEND* §73203, §73204, AND § 73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE”, with the recommendation **to report out only.**

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 292-36 (LS)

Introduced by:

Telena Cruz Nelson 

**AN ACT TO AMEND §73203, §73204, AND §73205 OF
ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO CHARGES FOR
CARRIER OFF-DUTY SERVICES OF CUSTOMS AND
QUARANTINE OFFICERS AND TO FURTHER
ESTABLISH A CUSTOMS CARRIER OFF-DUTY
SERVICES CUSTOMS ADMINISTRATIVE
PROCESSING FEE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Customs and Quarantine Agency implemented the Off-Duty Services (ODS) Program to provide paid services to “All operations of any person, excluding air carriers and passengers arriving at the Antonio B. Won Pat Guam International Air Terminal and passengers arriving on Guam via ocean vessels, that require the service of Customs and Quarantine Agency officers on any day of the week, upon special request on Sundays, holidays, or between the hours of 5:00 p.m. of any other day and 6:00 a.m. of the following day...”.

I Liheslaturan Guåhan also finds that this program delivers direct convenience and support to Guam Custom’s shipping and cargo stakeholders who seek advantageous hours for Customs clearance of ships and cargo to increase their business competitive advantage and desire for quicker access to their goods and prefer to pay the additional costs using the ODS Program.

1 *I Liheslaturan Guåhan* finds that the shortage of Customs Officers and the
2 restriction found in §73203, Article 2, Chapter 73, Title 5, Guam Code Annotated,
3 which instructs Guam Customs Officers participating in the ODS Program not
4 exceed a maximum charge of two hundred seventy-five dollars (\$275.00) per officer
5 per day, referred to further herein as “The ODS Charge Cap” or “ODS Charge Cap”,
6 produces difficulty during the staffing and assignment of Customs Officers for Off
7 Duty Services and there are Officers willing to provide services, Officers who have
8 reached their “ODS Charge Cap” are prohibited from accepting additional
9 assignments. This situation forces duty Officers performing routine operations to be
10 redirected to Off Duty Service requests to complete Customs clearance processes.

11 *I Liheslaturan Guåhan* also finds the presence of unintentional adverse
12 financial impacts, unfunded mandates, and operational constraints exacted upon the
13 Agency and Officers due to the “ODS Charge Cap”. Guided by policy, Guam
14 Customs directs Customs Officers to complete ODS Program work that cross into
15 their regular duty day as part of their duty. In instances when Officer’s ODS Program
16 work crosses into their off-duty and personal time, Guam Customs authorizes
17 government overtime compensation. This unscheduled and unplanned overtime
18 work disproportionately burdens the government and creates a cost-free benefit for
19 users of the ODS Program at the expense of the government and Customs Officers.
20 This overtime will be referred to herein as the “ODS Charge Cap Government
21 Overtime”.

22 Because the “ODS Charge Cap Government Overtime” remains unfunded,
23 Guam Customs Management must compensate affected Officers using
24 compensatory time accrued (CTA). This “ODS Charge Cap Government Overtime”
25 compounds Officer staffing problems because the Officer is no longer on duty for
26 the period of time off caused by the “ODS Charge Cap”. The current day problem

1 of unavailability of funds has evolved into Officers performing the “ODS Charge
2 Cap Government Overtime” work on their own personal time without compensation.

3 *I Liheslaturan Guåhan* further finds there no longer exists “Inspectors of the
4 Plant Protection and Quarantine Section of the Department of Agriculture”. The
5 pertinent language is amended to reflect current day conditions.

6 *I Liheslaturan Guåhan* finds the intent to protect Officers from fatigue caused
7 by excessive duty performance remains valid, but the impediments of the “ODS
8 Charge Cap” must be eliminated so the ODS Program remains beneficial to shipping
9 and cargo clearance stakeholders, Customs Officers, and the government.

10 **Section 2.** §73203 of Article 2, Chapter 73, Title 5, Guam Code Annotated is
11 hereby amended to read:

12 **“§73203. Charges for Carrier Off-Duty Services of Customs and**
13 **Quarantine Officers and Inspectors of Plant Protection and Quarantine**
14 **Section of the Department of Agriculture.**

15 (a) Charges for Services by Customs and Quarantine Officers.

16 All operations of any person, excluding air carriers and passengers
17 arriving at the Antonio B. Won Pat Guam International Air Terminal
18 and passengers arriving on Guam via ocean vessels, that require the
19 services of Customs and Quarantine Agency Officers on any day of the
20 week, ~~upon special request on Sundays, holidays, or between the hours~~
21 ~~of 5:00 p.m. of any other day and 6:00 a.m. of the following day, on~~
22 Sundays, holidays, and upon special request, shall be charged for
23 services as are rendered by officers as follows:

24 (i) For the first hour or fraction thereof, a rate of three
25 (3) times the officer’s, or officers’, hourly wage (3.0 x hourly
26 wage rate) for each officer requested to perform off-duty
27 inspection service; and after the first hour, but only after fifteen

1 915) minutes has elapsed, a rate one and a half ($1\frac{1}{2}$) times each
2 officer's hourly wage rate during such hour, or each hour
3 thereafter; and in accordance with §6224 of Article 2, Chapter 6,
4 Title 4, Guam Code Annotated, hazardous duty pay calculated at
5 the rate of ten percent (10%) for each hour or fraction thereof of
6 off duty service performed,; ~~but not to exceed a maximum charge~~
7 ~~of Two Hundred Seventy five Dollars (\$275.00) per officer per~~
8 ~~day.~~

9 (b) ~~Charges for Services by Plant Protection and Quarantine~~
10 ~~Inspectors. All operations of any person, excluding air carriers and~~
11 ~~passengers arriving at the Antonio B. Won Pat Gum International Air~~
12 ~~Terminal and passengers arriving on Guam via ocean vessels, that~~
13 ~~require the services of the inspectors of the Plant Protection and~~
14 ~~Quarantine Section of the Department of Agriculture on any day of the~~
15 ~~week upon special request by the Director of Customs and Quarantine~~
16 ~~on Sundays, holidays, or between the hours of 5:00 p.m. of any other~~
17 ~~day and 6:00 a.m. of the following day, shall be charged for services as~~
18 ~~are rendered by an inspector(s) of the Plant Protection and Quarantine~~
19 ~~Section of the Department of Agriculture as follows:~~

20 (i) ~~for the first hour or fraction thereof, a rate of three~~
21 ~~(3) times the officer's, or officers', hourly wage (3.0 x hourly~~
22 ~~wage rate) for each officer requested to perform off duty~~
23 ~~inspection service; and after the first hour, but only after fifteen~~
24 ~~(15) minutes has elapsed, a rate one and a half ($1\frac{1}{2}$) times each~~
25 ~~officer's hourly wage rate during such hour, or each hour~~

1 thereafter, but not to exceed a maximum charge of Two Hundred
2 Seventy-five Dollars (\$275.00) per officer per day.

3 (c) Non-Performance of Services. If services have been
4 requested and the officer(s) has reported to work, and the services are
5 not performed by reason of circumstances beyond the control of the
6 officer(s) concerned, the requesting party shall be charged in
7 accordance with §§ 73203(a) and (b) on the same basis as though the
8 services had actually been performed during the time the officer was
9 ordered to report for duty and did so report, and the time the officer was
10 notified that the officer's services would not be required.

11 (d) Administrative Surcharge. In addition to charges
12 authorized under §§ 73203 (a), (b), and (c), a Two Dollar (\$2.00)
13 administrative surcharge per employee shall be assessed to and payable
14 by the persons receiving such services for the cost of processing,
15 collecting and administering this program.

16 (e) Customs Administrative Processing Fee. In addition to
17 charges authorized under §§ 73203(a), (c), and (d), an Eight Dollar
18 (\$8.00) Customs Administrative processing fee per Off Duty Service
19 activity performed shall be assessed to and payable by the persons
20 receiving such services for the Customs and Quarantine Agency cost of
21 processing, collecting, and administering this program.

22 (i) Deposit.

23 (a) In accordance with §§ 73205, all fees and
24 interest collected by the Department of Administration for
25 the Customs Carrier Off-Duty Services Administrative
26 Processing Fee shall be deposited into the Carrier Off-
27 Duty Services Revolving Fund.

1 (ii) Expenditure.

2 (a) The fees collected shall be used by the
3 Director for any costs associated with the processing,
4 collecting, and administering of the Guam Customs
5 Carrier Off-Duty Services.”

6 **Section 3.** §73204 of Article 2, Chapter 73, Title 5, Guam Code Annotated is
7 hereby amended to read:

8 **“§73204. Payment and Penalties.**

9 (a) Payments Due. All person(s) requesting the services of
10 Customs and Quarantine Agency Officers, ~~or the inspectors of the Plant~~
11 ~~Protection and Quarantine Section of the Department of Agriculture,~~ of
12 the Government of Guam under § 73203, and to whom such services
13 were provided, shall make payments to the ‘Treasurer of Guam’
14 immediately upon the delivery of services. Upon the written request of
15 person(s) receiving the services of Customs and Quarantine Agency
16 officers, ~~or the inspectors of the Plant protection and Quarantine~~
17 ~~Section of the Department of Agriculture,~~ the Director of Customs and
18 Quarantine may authorize person(s) an extension of payment of up to
19 thirty (30) days from the date of service(s), subject to the penalties and
20 conditions stipulated in §§ 73204(b) and (c).

21 (b) Interest Penalty. Each person who receives customs ~~or~~
22 ~~plant protection~~ and quarantine inspection services under §73203, and
23 fails to make payment for each such completed service(s) within thirty
24 (30) days of the date of service, or thirty (30) days from the date of
25 extension, shall pay an interest penalty of fifteen percent (15%) per
26 annum to the Treasurer of Guam, on the amount of past due or balance

1 thereof. No interest penalty shall be assessed on payments made in full
2 on or before the thirtieth (30th) day from the date payments are due.

3 (c) Unpaid Interest. Interest penalty applicable under
4 §73204(b) which remain unpaid shall accrue to the balance due for
5 purposes of computing current interest due.

6 (d) The Director of Administration shall use all legal means
7 to collect all balances and interest which are more than twelve (12)
8 months past due from the date inspection services were provided."

9 **Section 4.** §73205 of Article 2, Chapter 73, Title 5, Guam Code Annotated is
10 hereby amended to read:

11 **"§73205. Carrier Off-Duty Services Revolving Fund.**

12 (a) Fund Established. There is hereby established within the
13 Customs and Quarantine Agency, a fund to be known as the 'Carrier
14 Off-Duty Services Revolving Fund' which shall be separate and apart
15 from other funds in the government of Guam, and for which
16 independent records shall be maintained.

17 (b) Deposits. All money received in accordance with this Act
18 shall be deposited into the Carrier ff-Duty Services Revolving Fund.

19 (c) Authorized Expense(s). All authorized expenses for
20 providing customs,~~agriculture~~ and quarantine service(s) pursuant to
21 this Act, shall be paid by the Treasurer of Guam from the Carrier Off-
22 Duty Services Revolving Fund upon the submittal of vouchers certified
23 by the Director of Customs and Quarantine ~~or the Director of~~
24 ~~Agriculture~~. Each officer shall be responsible for all employer
25 retirement contribution which may be applicable on their behalf.

26 (d) Customs and Quarantine Administrative Processing
27 Fee(s). Customs Administrative processing fees under §73203(e) and

1 all interest collected under §73204(b) shall be collected by the
2 Department of Administration and deposited into the Carrier Off-Duty
3 Services Revolving Fund upon certification by the Director of Customs
4 and Quarantine Agency. The Director shall use these funds for the
5 functions, logistics, and cost required for the processing, collecting, and
6 administering the Carrier Off-Duty Services Program.

7 ~~(d)~~ (e) Report. In the first January after the enactment of this
8 Act, and every six (6) months thereafter, the Director of Customs and
9 Quarantine shall prepare and transmit via *I Maga'lahaen Guåhan*
10 [Governor] a detailed report on the status of the Carrier Off-Duty
11 Services Revolving Fund to include an itemization of expenditures
12 charged against the Fund.”

13 **Section 5. Severability.** If any provision of this Act or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
15 *not* affect other provisions or applications of this Act that can be given effect without
16 the invalid provision or application, and to this end the provisions of this Act are
17 severable.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÅTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

April 29, 2022

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules

Re: Fiscal Note on Bill No. 292-36 (LS)

Håfa adai,

Attached, please find the fiscal note for the following bill:

Bill No. 292-36 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 292-36 (LS)

AN ACT TO AMEND § 73203, § 73204, AND § 73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Customs and Quarantine Agency	Dept./Agency Head: Ignacio Q. Peredo, Director
Department's General Fund (GF) appropriation(s) to date:	\$12,709,575
Department's Other Fund (Customs, Agriculture, and Quarantine Inspection Services Fund) appropriation(s) to date:	\$2,738,473
Total Department/Agency Appropriation(s) to date:	\$15,448,048

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2021 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2022 Appro. (P.L. 36-54)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2022 (if applicable)	FY 2023	FY 2024	FY 2025	FY 2026
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund 1/	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? /X/ Yes / / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept./agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date / / Other:

Analyst: Joaquin A.J. Guerrero II **Date:** 4/28/22 **Director:** Lester L. Carlson, Jr. **Date:** APR 29 2022

Notes:
1/ See attached comments.

Bureau of Budget and Management Research
Comments on Bill No. 292-36 (LS)

The proposed legislation intends to amend §§ 73203, 73204, and 73205 of Article 2, Chapter 73, Title 5 of the Guam Code Annotated (GCA). The amendments propose to remove the restriction which instructs Guam Customs and Quarantine Agency (CQA) officers participating in the Carrier Off-Duty Services (ODS) Program not to exceed a maximum charge of \$275.00 per officer per day, referred to as the “ODS Charge Cap”. The elimination of the ODS Charge Cap will allow officers to accept additional assignment hours for the continuation of services through the Carrier ODS Program. Further, the amendments eliminate pertinent language for the Inspectors of Plant Protection and Quarantine Section of the Department of Agriculture, which no longer exists, in order to reflect current day conditions. The Bill intends to implement the accrual of hazardous duty pay at the rate of ten percent (10%) for each hour of services performed by each officer under the Carrier ODS Program, in accordance with § 6224 of Article 2, Chapter 6, Title 4 GCA. Lastly, the Bill intends to assess a customs administrative processing fee of \$8.00 per off-duty service activity rendered by the CQA under the same program.

These additional charges will result in a positive impact on revenue collections to the Carrier Off-Duty Services Revolving Fund and may reduce overtime costs. However, absent additional information from the CQA, an estimated fiscal impact cannot be determined at this time.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 292-36 (LS)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Other Fund 1/	2/	2/	2/	2/	2/
Total	2/	2/	2/	2/	2/

1/ Carrier Off-Duty Services Revolving Fund

Comments:

2/ The proposed legislation intends to implement the accrual of hazardous duty pay at the rate of ten percent (10%) for each hour of off-duty services performed by each officer and the assessment of a customs administrative processing fee of \$8.00 per off-duty service activity rendered under the Guam Customs and Quarantine Agency (CQA) Carrier Off-Duty Services Program. These additional charges will result in a positive impact on revenue collections to the Carrier Off-Duty Services Revolving Fund. However, absent additional information from the CQA, an estimated fiscal impact cannot be determined at this time.



OFFICE OF VICE SPEAKER TELENA CRUZ NELSON


COMMITTEE ON EDUCATION, SELF-DETERMINATION AND HISTORIC PRESERVATION
INFRASTRUCTURE, BORDER SAFETY, FEDERAL AND FOREIGN AFFAIRS, AND
MARITIME TRANSPORTATION

COMMITTEE VOTE SHEET

Bill No. 292-36 (LS)

Introduced by: Senator Telena Cruz Nelson

“AN ACT TO *AMEND* §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER-OFF DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE.

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Telena Cruz Nelson Chairperson	 9/12/22	✓				
Senator Mary C. Torres Vice Chairperson						
Senator Jose “Pedro” Terlaje Member	e-sign 9/8/22	✓				
Senator Therese M. Terlaje Member						
Senator Sabina F. Perez Member	e-sign 9/2/22			✓		
Senator Clynton E. Ridgell Member	e-sign 9/8/22			✓		
Senator Telo T. Taitague Member	e-sign 8/31/22			✓		



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

URGENT: Request for E-Vote: Bill No. 292-36 (LS)

5 messages

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org> Tue, Aug 30, 2022 at 9:22 PM

To: Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Hon. Therese M. Terlaje" <senatorterlajegum@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, "Senator Clynton E. Ridgell" <clyntridgell@guamlegislature.org>, "Senator Telo T. Taitague" <senatortelot@gmail.com>

Håfa Ådai Committee Members,

Please see attached Committee Report for Bill No. 292-36 (LS) - "AN ACT TO AMEND §73203, §73204, AND §73205 OF ARTICLE 2, CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CHARGES FOR CARRIER OFF-DUTY SERVICES OF CUSTOMS AND QUARANTINE OFFICERS AND TO FURTHER ESTABLISH A CUSTOMS CARRIER OFF-DUTY SERVICES CUSTOMS ADMINISTRATIVE PROCESSING FEE."

Please indicate your preferred action, based on the following options:

- To Do Pass;
- To Not Pass;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet, which will be filed with the Committee on Rules.

Si Yu'us Ma'åse'

--

The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

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CR_Bill No. 292-36 (LS).pdf
10803K

Senator Telo Taitague <senatortelot@gmail.com>

Wed, Aug 31, 2022 at 6:54 PM

To: Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

To Report out only

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
36th Guam Legislature
Suite 309 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

[Quoted text hidden]

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>
To: Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Thu, Sep 8, 2022 at 1:52 PM

To Do Pass.

[Quoted text hidden]

The Office of Senator Jose "Pedro" Terlaje
Committee on Public Safety, Emergency Response,
Military and Veterans Affairs, Mayors' Council, and Public Transit

36th Guam Legislature
I Mina'trentai Sais na Liheslaturan Guåhan

777 Route 4, MVP Center - Units 101/ 102, Sinajana, GU 96910
Tel: (671) 989-5301/ 3218
Email: senatorpedo@senatorjpterlaje.com

Clynt Ridgell <clyntridgell@guamlegislature.org>
To: Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>
Cc: "Senator Mary C. Torres" <senatormary@guamlegislature.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Hon. Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, "Senator Telo T. Taitague" <senatortelot@gmail.com>

Thu, Sep 8, 2022 at 2:28 PM

To report out only

[Quoted text hidden]

Office of Senator Sabina Perez <office@senatorperez.org>
To: Office of Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>

Thu, Sep 8, 2022 at 11:29 PM

To report out

[Quoted text hidden]

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Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning
I Mina'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature
O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910
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