


I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. 128-32 (COR)

Introduced by:

Committee on the Guam US
Military Relocation, Homeland
Security, Veteran's Affairs and
Judiciary



**THE CUSTOMS AND QUARANTINE AGENCY ENACTS
THE FOLLOWING RULES AND REGULATIONS TO
AMEND TITLE 4, GOVERNMENT ADMINISTRATIVE
RULES AND REGULATIONS, CHAPTER 2, ARTICLE 5,
§2505(a)(2) OF THE CUSTOMS, AGRICULTURE, AND
QUARANTINE INSPECTION SERVICE CHARGE
PURSUANT TO 5GCA73, §73151.**

2013 MAY 29 11:00 AM
FMS

1 **Section 1.** The Customs and Quarantine Agency held a public hearing on
2 proposed amendments to Title 4, Government of Guam Rules and Regulations,
3 Chapter 2, Article 5, §2505(a)(2) of the Customs, Agriculture, and Quarantine
4 Inspection Service Charge on Friday, April 5th, 2013.

5 **Section 2.** Pursuant to the provisions of 5GCA Chapter 9, the
6 Administrative Adjudication Law, this proposed amendment to the regulations
7 must undergo legislative review and approval before they can become effective.

8 **Section 3.** The proposed amendment to the Customs, Agriculture, and
9 Quarantine Inspection Service Charge rules and regulations is attached as
10 Appendix A.

Title 4, Government Administrative Rules and Regulations, Chapter 2, Article 5, §2505(a)(2) is hereby replaced to read as follows:

§2505. Service Charges.

(a) Air Carrier Services

(2) Charges. In order to calculate the service charges reasonably attributable to each air carrier for the service associated with that carrier, the Director shall determine the service charge to the several air carriers by the following methodology. The Director shall first estimate the current annualized costs of providing, maintaining, and operating the service charge facilities as they relate to air carrier operations, excluding air cargo operations, and then that annualized amount shall be divided by 12. The GIAA shall apportion such monthly amount among the several carriers in proportion to each carrier's revenue passenger volume subject to the services, times the cost per passenger determined below. Such monthly percentage of passenger volume shall be determined by reference to the monthly activity reports of passenger arrivals to be submitted to the GIAA by the air carriers. This apportionment methodology corresponds to the methodology used by the Agency, pursuant to a long-standing agreement with the air carriers, to apportion among the air carriers the Charges for Services of Customs and Quarantine Officers for the cost of using Agency personnel on an overtime basis.

~~Pending review and adjustment by the Director, the cost per passenger as previously established pursuant to these regulations and provided for under the current GIAA Airport Tariff Schedule, shall remain in effect for the purposes of the apportionment methodology and air carrier ticketing and advertising until otherwise adjusted pursuant to these rules and regulations. Each air carrier shall be responsible for remitting its assessed pro rata to the GIAA. Pursuant to a periodic review and this methodology, the Director has determined such total anticipated annualized costs of providing, maintaining, and operating the service charge facilities as they relate to air carrier operations, excluding air cargo operations, is approximately \$9,082,394. In accordance with periodic adjustments under §2506(a)(5), the monthly charge will be adjusted to recover both the remaining annualized monthly charges, as well as those charges under-collected during the period of October 1, 2012 through April 30, 2013. Thus, the monthly charge attributable to all carriers is \$875,609 for which each air carrier shall be responsible for remitting to the GIAA its assessed pro rata service charge as determined by the GIAA under these rules and regulations. The effective date of this adjustment will begin August 1, 2013 and whereby the monthly charge shall be converted to a cost per passenger for purposes of the apportionment methodology and air carrier ticketing and advertising by dividing the monthly charge by the average number of monthly revenue passengers during the preceding three years. In subsequent annual service charge reviews, the monthly charge shall be divided by the average number of revenue passengers during the July 1 through June 30 period preceding the fiscal year. In accordance with §2506(a)(4) of these rules and regulations, the GIAA Airport Tariff Schedule will be amended to reflect these charges accordingly.~~