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
218-36 (LS)	James C. Moylan	AN ACT TO *APPROPRIATE* THE SUM OF *NO MORE* THAN FIFTEEN MILLION DOLLARS ($15,000,000) FROM THE GENERAL FUND TO THE GUAM CUSTOMS AND QUARANTINE AGENCY FOR THE CONSTRUCTION OF A *CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA* AND THE PROCUREMENT OF A *STATIONARY X-RAY SCANNING PORTAL*; AND TO CITE THIS ACT AS THE *"PROTECTING OUR BORDERS ACT OF 2021"*.	10/25/21 11:44 a.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 218-36 (LS)

Introduced by: James C. Moylan

AN ACT TO *APPROPRIATE* THE SUM OF *NO MORE* THAN FIFTEEN MILLION DOLLARS ($15,000,000) FROM THE GENERAL FUND TO THE GUAM CUSTOMS AND QUARANTINE AGENCY FOR THE CONSTRUCTION OF A *CUSTOMS SATELLITE INSPECTION, HOLDING, AND SECURED STERILE FACILITY AREA* AND THE PROCUREMENT OF A *STATIONARY X-RAY SCANNING PORTAL*; AND TO CITE THIS ACT AS THE "*PROTECTING OUR BORDERS ACT OF 2021*".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that a recent Consolidated Revenue and Expenditure Report (CRER) reported that at the end of Fiscal Year 2021, the Government of Guam collected an excess of $62 million in additional General Fund revenue, versus what was projected for the fiscal year. This was primarily due to the infusion of federal pandemic related relief programs which led to increases in income, corporate and withholding taxes.

Public Law 36-54, the Fiscal Year 2022 budget measure, earmarked up to $20 million of any excess revenue from FY 2021 to be deposited into the Income Tax Refund Efficient Payment Trust Fund to pay out tax refunds. An additional $25 million of excess revenue was also earmarked in a recently introduced legislation to provide for a local employer's assistance program. This results in an

amount exceeding $17 million of a surplus from FY21 which can be utilized to address other critical measures that are vital for the benefit of the community.

On July 17, 2018, Public Law 34-112 was enacted, and provided the *Guam Customs and Quarantine Agency* a four-acre parcel of property in Piti to construct a *Customs Satellite Inspection, Holding, and Secured Sterile Facility Area*. A functioning facility would provide many benefits for the island, inclusive of addressing the plague caused by invasive species towards Guam's economy and ecological system, along with taking the additional steps in tackling a drug epidemic which is adversely impacting many residents. A functioning facility should also be able to house an *X-ray Scanning Portal* which would be able to scan containers and large bulk cargo to search for illegal substances. The process would create an efficient manner to help reduce the importation of such substances through the seaport.

P.L. 34-112 did however provide for a caveat, which stated that if no facility is constructed within three years from the enactment date, the parcel of land would be returned to the Port Authority of Guam. This led to the introduction of Bill 58-36 earlier this year, which was enacted into Public Law 36-12 by Governor Lou Leon Guerrero on April 9, 2021. The measure extended the deadline of the construction of the *Customs Satellite Inspection, Holding, and Secured Sterile Facility Area* by an additional five years. In her enactment statement, the Governor reiterated the importance of the construction of this facility, particularly in addressing "a long-standing concern of our community to ensure that incoming cargo is properly inspected at a satellite facility for invasive species, prohibited products, and illegal drug trafficking".

The reality is that while the objectives of P.L. 36-12 are appreciated and much needed, it would be ineffective if funding is not identified in a timely manner to proceed with the plans to construct such a facility. While the Guam Customs

and Quarantine Agency and other entities continue to seek grants for this endeavor, there exists the unfortunate conundrum that another five years may pass, monies may not be obtained, and the project may not materialize. This Act recognizes the availability of excess funds from Fiscal Year 2021, which would at least allow the process to proceed. Nothing precludes the government from seeking outside funding, which may help reduce the overall expenditures, but when it comes to our island's rising drug epidemic, time is a critical component, and unfortunately, we don't have much of it. Any unspent funds from this Act shall be reverted to the General Fund.

Ultimately, if enacted, this Act shall be a vital step in protecting our borders, and more importantly in taking major strides in reducing the malevolent effects of a drug epidemic on island.

Section 2. This Act *shall be* known as the "*Protecting Our Borders Act of 2021*."

Section 3. Appropriation. Notwithstanding any other provisions of the law, rule, or regulation to the contrary, the sum of no more than Fifteen Million Dollars ($15,000,000) from the General Fund is hereby appropriated to the Guam Customs and Quarantine Agency for the Construction of a Customs Satellite Inspection, Holding, and Secured Sterile Facility Area (hereafter referred to as the CSIHSSF), pursuant to Public Law 34-112, and the Procurement of a Stationary X-Ray Scanning Portal. This *shall* include any expenditures associated with the Architectural and Engineering Design of the CSIHSSF.

Section 4. Reporting. The Department of Administration and Guam Customs and Quarantine Agency *shall* submit a report on the first (1st) day of each month to the Speaker of *I Liheslaturan Guåhan*, to update on the progress of this Act, including, and not limited to any funds released to pursue the objectives of

this Act. The reporting *shall* continue until the funds pursuant to this Act are exhausted.

Section 5. Release of Funds. Notwithstanding any other provisions of the law, rule, or regulation to the contrary, other than the funds needed for the Architectural and Engineering Design (hereafter referred to as the "A&E), no funds *shall* be further expended under this Act until the completion of the A&E.

Section 6. Procurement. Notwithstanding any other provisions of the law, rule, or regulation to the contrary, all procurement associated with this Act *shall* be pursuant to the procurement laws of Guam.

Section 7. Return of Funds. Notwithstanding any other provisions of the law, rule, or regulation to the contrary, if the Guam Customs and Quarantine Agency fails to initiate the construction of the *CSIHSSF* by September 30, 2023, all remaining funds pursuant to this Act *shall* be returned to the General Fund.

Section 8. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall* not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 9. Effective Date. The Act *shall* be effective immediately upon enactment.