*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 |
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| **289-36 (LS)** | Telena Cruz Nelson | 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". | 4/7/22 12:55 p.m. | | | | | | |

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

**Bill No. 289-36 (LS)**

Introduced by: Telena Cruz Nelson

**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".**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that as Guam's "First Line of Defense", the Customs and Quarantine Agency has an inherent responsibility to safeguard Guam at its ports of entry, from the introduction of invasive species to the interdiction of contraband among other things. While the Customs and Quarantine Agency have made great strides and efforts to carry out their duties and responsibilities, *I Liheslaturan Guåhan* finds that the Agency is lacking in resources and would greatly benefit from a reorganization to better serve and protect the island.

On May 17, 2011, Bill No. 111-31 (COR) was signed into law as Public Law 31-43, which establishes the Guam Invasive Species Inspection Fee and Fund, and to authorize the Department of Agriculture (DoAG) to Establish a Biosecurity Division. This Public Law also enables the Guam Customs and Quarantine Agency

(CQA) reorganizational authority to establish a Biosecurity Division, consistent with the Public Law above and in accordance with the Administrative Adjudication Law.

The Guam Customs and Quarantine Agency currently has an unfunded Biosecurity Task Force (BSTF), comprised of eight (8) Customs Officers, who currently carry out the duties and responsibilities of protecting Guam at its ports of entry from invasive species that threaten our economy, culture, ecosystem, and human health. Because the BSTF is unfunded, they are unable to train new personnel, and that should the current Customs Officers of the Task Force retire, the Customs and Quarantine Agency will have lost personnel that are subject-matter experts in biosecurity without an alternative source of expertise within the Agency.

On February 19, 2016, The Customs and Quarantine Agency and the Department of Agriculture ratified an Interagency Biosecurity Work Plan (IBWP) to work in tandem to ensure the prevention of invasive species into our island and to mitigate the damage of invasive species present on our island. The establishment of a Biosecurity Division in the Customs and Quarantine Agency would greatly improve the Agency's ability to protect our borders as a preemptive measure and to strengthen our island in terms of detecting, eliminating, and preventing invasive species.

*I Liheslaturan Guåhan* finds that in addition to a Biosecurity Division, the establishment of a Management Information Systems (MIS) Section would also help streamline the various duties and responsibilities of the Customs and Quarantine Agency. By providing the Agency with up-to-date management information systems, Customs and Quarantine will be able to acquire and report out data on all-aspects of the Agency's duties in real-time, such as the preventing the introduction of invasive species, interdiction of illicit contraband, and the processing of online declaration forms. Doing so would not only provide a faster response in the Agency's duty of safeguarding our borders at the ports of entry but will also bring

our island enhanced security and protection in a world of technological advancement.

*I Liheslaturan Guåhan* finds that to further enhance the security and protection of our island, the establishment of the Maritime Contraband Enforcement Team (MARCET) section would work well in doing so by conducting and performing border enforcement operations in order to facilitate the detection, deterrence, disruption, and arrest if needed, of all persons and/or organizations involved in the smuggling, importation, and distribution of illicit contraband into the Territory of Guam. Establishment of the MARCET would only aid in our island's protection and security by complimenting existing Customs enforcement elements, while also providing specialized assistance to other local and federal law enforcement agencies and task forces with various drug interdiction operations and border-related functions.

It is therefore the intent of *I Liheslaturan Guåhan* to support the Customs and Quarantine Agency in their efforts of safeguarding our island by granting them reorganizational authority to establish a Biosecurity Division, an MIS section, and the MARCET section to ensure the safety and wellbeing of our island and its people.

**Section 2.** A new §73157 is hereby added to Article 1 of Chapter 73, Title 5 Guam Code Annotated, to read:

"**§73157. Reorganizational Authority.** The Director is authorized to reorganize the Agency in accordance with the Administrative Adjudication Law to address Guam's needs in safeguarding the ports of entry, and to initiate the creation, establishment, and expansion of new and existing entities within the Agency for this purpose.

(a) The Agency shall develop a budget for the reorganization, which shall be forwarded to *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan* for consideration.

(b) The Agency shall also consider pursuing federal grants that may be available to support the reorganization of the Agency.

(c) The Director or his/her designee(s) shall be responsible for the development of a set of written guidelines to control the expenditure of said budget.

(d) The Director or his/her designee(s) shall submit a report, detailing expenditure, to the Bureau of Budget and Management Research for audit and approval.

(e) No later than six (6) months following the enactment of this Act, the Agency shall submit, together with the budget required herein, an Action Plan that must include, but not limited to, a project schedule, staffing pattern, and the identification of funding options, if any.

(f) A status report summarizing the actions of the Agency shall be submitted to *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan* every three (3) months following the submission of the Action Plan and proposed budget."

**Section 3. Biosecurity Division, Authorized.** Pursuant to the Director's reorganizational authority, The Customs and Quarantine Agency is authorized to create a Biosecurity Division to prevent the introduction of invasive species at Guam's ports of entry. The Biosecurity Division shall provide for the inspection, quarantine, and eradication of invasive species contained in any freight, including, but not limited to, marine commercial container shipments, mail post, and aircraft cargo, in efforts to address invasive species coming to Guam through its ports of entry. The Biosecurity Division shall continue to work with the Biosecurity Division of the Department of Agriculture for this purpose.

**Section 4. MIS Section, Authorized.** Pursuant to the Director's reorganizational authority, The Customs and Quarantine Agency is authorized to create a Management Information Systems (MIS) Section for the purpose of centralizing and streamlining the Agency's information management. When deemed necessary, the Director is authorized to reorganize the MIS Section into a Division within the Agency.

**Section 5. MARCET Section, Authorized.** Pursuant to the Director's reorganizational authority, the Customs and Quarantine Agency is authorized to create and establish the Maritime Contraband Enforcement Team (MARCET) to meet the current demands at the Port Authority of Guam.

**Section 6. Effective Date.** This Act shall become effective immediately upon enactment.

**Section 7. 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.