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
2-36 (LS) As amended on the Floor.	Tina Rose Muña Barnes Jose (Pedo) Terlaje V. Anthony Ada Telena Cruz Nelson Mary Camacho Torres	AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 50, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASKFORCE	1/4/21 10:54 a.m.	1/13/21	Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation	4/22/21 2:00 p.m.	4/27/21 4:09 p.m.	Request: 1/13/21 1/13/21	4/29/21 10:20 a.m. Supplement Document to the Committee Report on Bill No. 2-36 (COR).

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
4/23/21	AN ACT TO *ADD* A NEW ARTICLE 5 TO CHAPTER 50 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASK FORCE.	4/30/21	4/30/21	5/12/21	36-23	5/12/21	Received: 5/12/21 Mess and Comm. Doc. No. 36GL-21-0573

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

May 12, 2021

Doc Type: 36GL-21-0573
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
MAY 12 2021
Time: 5:46 PM
Received:

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **BILL NO. 2-36 (LS) – An Act to Add a New Article 5 to Chapter 50 of Division 2, Title 12, Guam Code Annotated, Relative to Developing a Plan to Implement a Transshipment Industry through the Creation of a Transshipment Task Force**

Buenas yan Hafa Adai Madame Speaker:

The COVID-19 pandemic has brought to the forefront the vulnerability of our island's economy, which is heavily reliant on the tourism industry. The interruption of travel and tourism has taken its toll on our local businesses, as it has in other tourism-based countries and United States jurisdictions. Our administration has always been keenly interested in diversifying our island's economy, and to this end we created the Economic Diversification Working Group. it is more critical than ever that we invest in diverse industry, to ensure our island is prepared to face new challenges as they arise. To this end, Bill No. 2-36 seeks to convene a Transshipment Task Force ("TTF") to evaluate existing laws and regulations, as well as available resources, for the purpose of exploring Guam's potential to serve as an established port in the supply chain in the Asia-Pacific region to support the transport of goods between the United States and manufacturing hubs in the region, which has been disrupted during the COVID-19 crisis. Though this bill ultimately requires that the TTF conduct a feasibility study for the promotion of transshipment in Guam, which will require the legislature to identify funding sources, it appears the TTF may request such funding once convened. Further, while the bill does not contain a customary sunset provision for the TTF, it does not prevent the TTF from itself winding up once it has fulfilled its mandate. For these reasons, I sign into law Bill No. 2-36, now known as ***Public Law No. 36-23***.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
May 13, 2021
10:49 A.M.

Enclosure(s): Bill No. 2-36 (COR) *nka P.L. 36-23*
cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 2-36 (LS), "AN ACT TO *ADD* A NEW ARTICLE 5 TO CHAPTER 50 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASK FORCE,"** was on the 30th day of April 2021, duly and regularly passed.

Therese M. Terlaje
Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 30th day of April, 2021, at 7:34 o'clock P.M.

Jessica Cruz
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 5/12/2021

Public Law No. 36-23

2021-13601
RCVD AT CENTRAL FILES
APR 30 '21 PM8:10

Jessica Cruz

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

Bill No. 2-36 (LS)
As amended on the Floor.

Introduced by:

Tina Rose Muña Barnes
Jose "Pedo" Terlaje
V. Anthony Ada
Telena Cruz Nelson
Mary Camacho Torres
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

AN ACT TO *ADD* A NEW ARTICLE 5 TO CHAPTER 50 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A PLAN TO IMPLEMENT A TRANSSHIPMENT INDUSTRY THROUGH THE CREATION OF A TRANSSHIPMENT TASK FORCE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that on October 16, 2020, the Office of the Speaker, in collaboration with members of the 35th Guam Legislature, issued a letter to the Office of Intergovernmental Affairs and the U.S. Department of Interior, Office of Insular Affairs to express their concern about the recent disruption to America's supply chain caused by the

COVID-19 pandemic. In December 2020, the Guam Chamber of Commerce developed a white paper report entitled, *Proposed Economic Diversification Initiatives for Guam.* The report identified potential industries that would allow Guam to expand its current economic model, along with a list of implementation recommendations and potential benefits. On December 29, 2020, the Office of the Governor announced the creation of the Economic Diversification Working Group to establish new industries to rebound from the adverse effects of the COVID-19 pandemic. Although not mentioned in the white paper, Guam is geographically and politically well-positioned to be a transshipment hub for the United States and the region.

As noted in a report issued by the U.S. Department of Homeland Security on May 29, 2020, entitled, *National Strategy for Transportation Security* (NSTS), Maritime Transportation Systems (MTS) is the "economic lifeblood of the global economy" and is a vital component to U.S. military logistics and operations. The MTS is an integrated network consisting of twenty-five thousand (25,000) miles of coastal and inland waters and rivers that serves up to three hundred sixty-one (361) ports. Moreover, the report indicated that "Any significant disruption to the MTS" can have devastating implications for "the global supply chain, as well as America's National Security." Thus, maritime elements of the global supply chain are considered by Homeland Security to be "critical assets and systems that must be protected."

As America's "tip of the spear" in the Pacific, Guam's location allows the United States to secure our nation, protect our allies, and easily access the manufacturing hubs in the Asia-Pacific supply chain; however, *I Liheslaturan Guåhan* finds that the global COVID-19 pandemic threatens the existing supply chains that sustain the United States security apparatus. As noted in the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) report

published on September 30, 2020, on *The Impact of the Covid-19 Pandemic on Shipping and Port Sector in the Asia and the Pacific*, supply-chain access across Asia has become "compromised" due to limited manufacturing, port congestion, port closures, lack of adequate medical production and inventory, as well as having single source supply-chains during the pandemic. The report further stated that manufacturing firms might withdraw from Asia to regions that promote "re-shoring" in response to the global pandemic.

I Liheslaturan Guåhan finds that Guam can take a more active role in the current Maritime Transportation System framework by serving as a viable and secure port for goods to flow from manufacturing hubs in the Indo-Pacific region and into the United States. Furthermore, unlike most seaports in Asia, the Jose D. Leon Guerrero Commercial Port has an opportunity to be further developed during this changing environment. With the passage of Bill No. 360-35 (COR), now Public Law 35-105, the Guam Legislature has enabled the Guam Customs and Quarantine Agency to streamline its procedures through automation and update its manifest requirements that date back to the 1970s. According to the ESCAP report, measures such as these improve operational and cost efficiencies during the pandemic while digitalization and automation ensure that maritime transportation remains uninterrupted.

Moreover, in addition to providing uninterrupted maritime transportation, Guam has the unique capacity to take in more shipments than other ports in the Pacific. As stated in the *2007 Guam Business Opportunities Report*, Guam is home to the largest U.S. deep-water port in the western Pacific. This same report also adequately demonstrates that the Port Authority of Guam has the capacity to move containerized, break-bulk, and fresh fish cargo. Additionally, Guam's Commercial Port has convenient access to the Antonio B. Won Pat International Airport. With the expansion of the airport's runway in 2016, long-haul fully-loaded flights can fly

from Guam directly to cities in the mainland United States as far as Los Angeles, California. This will allow major airlines of the United States to adapt to a post-COVID-19 economy and get goods into American communities at a much faster rate.

Furthermore, with the growing demand in the international market for American-made products, including Guam's ports as integral parts of the MTS will allow the United States to access the Asian/Pacific markets quickly and efficiently. Guam will be an essential part of the American economy by bringing back manufacturing jobs into the United States, with Guam potentially hosting more assembly plants. American-made products can be quickly assembled on Guam and turned over for sale to consumers in the Asian market quickly. By establishing a manufacturing hub in Guam and pivoting to the Jose D. Leon Guerrero Commercial Port and the Antonio B. Won Pat International Airport for transshipment, the United States can implement a "safer, American approach" to resolve the shortcomings with the current MTS. This approach will not only shore up the deficiencies with the current MTS framework but will assist in Guam's post-COVID-19 recovery and create thousands of new jobs in our island community.

Therefore, it is the intent of *I Liheslaturan Guåhan* to facilitate further economic diversification by creating a task force to review existing local and federal laws and coordinate land use and government resources to implement a transshipment industry.

Section 2. A new Article 5 is *added* to Chapter 50 of Division 2, Title 12, Guam Code Annotated, to read:

"ARTICLE 5

TRANSSHIPMENT TASK FORCE

§ 50501. Title.

This Article shall be known and may be cited as the "Transshipment Task Force Act."

§ 50502. Composition.

The Transshipment Task Force shall be composed of:

(a) the Administrator of the Guam Economic Development Authority or his/her designee;

(b) the General Manager of the J.D. Leon Guerrero Port Authority of Guam or his/her designee;

(c) the Executive Manager of the A.B. Won Pat International Airport Authority, Guam or his/her designee;

(d) the Director of the Guam Customs and Quarantine Agency or his/her designee;

(e) the Director of the Department of Land Management or his/her designee;

(f) *I Maga'låhen/Maga'hågan Guåhan* or his/her designee;

(g) the Speaker of *I Liheslaturan Guahan* or his/her designee;

(h) the President of the Guam Chamber of Commerce or his/her designee, who shall serve as an ex-officio non-voting member;

(i) the President of the Guam Women's Chamber of Commerce or her designee, who shall serve as an ex-officio non-voting member;

(j) the President of the Chinese Chamber of Commerce of Guam or his/her designee, who shall serve as an ex-officio non-voting member;

(k) the President of the Filipino Community of Guam or his/her designee, who shall serve as an ex-officio non-voting member;

(l) the President of the Korean Chamber of Commerce of Guam or his/her designee, who shall serve as an ex-officio non-voting member;

(m) the President of the Guam Contractors Association or his/her designee, who shall serve as an ex-officio non-voting member;

(n) the Director of the Bureau of Statistics and Plans or his/her designee;

(o) the President of the University of Guam or his/her designee; and

(p) the Director of the Department of Agriculture or his/her designee.

A presiding officer from among the Transshipment Task Force members shall be elected by the members of the Task Force. The members of the Transshipment Task Force shall serve without compensation and shall meet at least once every month.

§ 50503. Responsibilities and Duties.

The Transshipment Task Force shall meet at the call of the presiding officer and make recommendations concerning transshipment on Guam.

In making recommendations, the Transshipment Task Force shall:

(a) contact regional shipping partners, manufacturers, the U.S. Department of Homeland Security, the U.S. Customs and Border Protection, and any agencies within the United States government pertinent to transshipment;

(b) conduct a feasibility study and provide recommendations involving local tax policy, workforce development, and incentive programs promoting transshipment on Guam;

(c) receive reports and testimony from individuals, government of Guam agencies, and any other public and private organizations; and

(d) submit an Economic Diversification Plan with its recommendations to *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan* within one (1) year of the enactment of this Article.

§ 50504. Economic Diversification Plan.

The Economic Diversification Plan shall include a review of pertinent federal laws and regulations; a review of local laws and regulations with suggested changes; a consideration of land requirements, constraints, and potential zoning issues; and specify any and all federal grants available to the Transshipment Task Force to implement new industries."

Section 3. Effective Date. This Act shall be effective upon enactment.

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

May 12, 2021

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: BILL NO. 2-36 (LS) – An Act to Add a New Article 5 to Chapter 50 of Division 2, Title 12, Guam Code Annotated, Relative to Developing a Plan to Implement a Transshipment Industry through the Creation of a Transshipment Task Force

Buenas yan Hafa Adai Madame Speaker:

The COVID-19 pandemic has brought to the forefront the vulnerability of our island's economy, which is heavily reliant on the tourism industry. The interruption of travel and tourism has taken its toll on our local businesses, as it has in other tourism-based countries and United States jurisdictions. Our administration has always been keenly interested in diversifying our island's economy, and to this end we created the Economic Diversification Working Group. it is more critical than ever that we invest in diverse industry, to ensure our island is prepared to face new challenges as they arise. To this end, Bill No. 2-36 seeks to convene a Transshipment Task Force ("TTF") to evaluate existing laws and regulations, as well as available resources, for the purpose of exploring Guam's potential to serve as an established port in the supply chain in the Asia-Pacific region to support the transport of goods between the United States and manufacturing hubs in the region, which has been disrupted during the COVID-19 crisis. Though this bill ultimately requires that the TTF conduct a feasibility study for the promotion of transshipment in Guam, which will require the legislature to identify funding sources, it appears the TTF may request such funding once convened. Further, while the bill does not contain a customary sunset provision for the TTF, it does not prevent the TTF from itself winding up once it has fulfilled its mandate. For these reasons, I sign into law Bill No. 2-36, now known as ***Public Law No. 36-23***.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 2-36 (COR) *nka P.L. 36-23*
cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

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Therese M. Terlaje
Therese M. Terlaje
Speaker

Attested:

Amanda Shelton
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 30th day of April, 2021, at 7:34 o'clock P.M.

Jessica Cruz
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 5/12/2021

Public Law No. 36-23

2021-13601
RCVD AT CENTRAL FILES
APR 30 '21 PM8:10

Jessica Cruz

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

Bill No. 2-36 (LS)
As amended on the Floor.

Introduced by:

Tina Rose Muña Barnes
Jose "Pedo" Terlaje
V. Anthony Ada
Telena Cruz Nelson
Mary Camacho Torres
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
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(e) the Director of the Department of Land Management or his/her designee;

(f) *I Maga'låhen/Maga'hågan Guåhan* or his/her designee;

(g) the Speaker of *I Liheslaturan Guahan* or his/her designee;

(h) the President of the Guam Chamber of Commerce or his/her designee, who shall serve as an ex-officio non-voting member;

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TRANSSHIPMENT TASK FORCE

§ 50501. Title.

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(o) the President of the University of Guam or his/her designee; and

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(c) receive reports and testimony from individuals, government of Guam agencies, and any other public and private organizations; and

(d) submit an Economic Diversification Plan with its recommendations to *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan* within one (1) year of the enactment of this Article.

§ 50504. Economic Diversification Plan.

The Economic Diversification Plan shall include a review of pertinent federal laws and regulations; a review of local laws and regulations with suggested changes; a consideration of land requirements, constraints, and potential zoning issues; and specify any and all federal grants available to the Transshipment Task Force to implement new industries."

Section 3. Effective Date. This Act shall be effective upon enactment.