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de

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

November 21, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-1110
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 11/21/11
Time 4:49pm
Received by *[Signature]*

Dear Madame Speaker:

Transmitted herewith is Bill No. 227-31 (LS) "AN ACT TO ADD A NEW ARTICLE 2 OF CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF *I SEGUNDU NA MAGA'LAHEN GUÅHAN* (THE LIEUTENANT GOVERNOR OF GUAM)", which I signed into law on November 21, 2011 as **Public Law 31-150**.

Senseramente,

EDDIE BAZA CALVO

Attachment: copy of Bill

4 1110

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 227-31 (LS), "AN ACT TO ADD A NEW ARTICLE 2 OF CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF *I SEGUNDU NA MAGA'LAHEN GUÅHAN* (THE LIEUTENANT GOVERNOR OF GUAM)," was on the 8th day of November, 2011, duly and regularly passed.



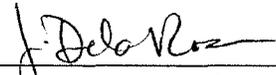
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 9th day of Nov., 2011, at 4:25 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: **NOV 21 2011**

Public Law No. 31-150

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 227-31 (LS)

As substituted by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement, and Land;
and amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
B. J.F. Cruz
R. J. Respicio
Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
Chris M. Dueñas
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 2 OF CHAPTER 2,
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A TASK FORCE ON THE GUAM
PRODUCT SEAL UNDER THE AUSPICES OF THE
OFFICE OF *I SEGUNDU NA MAGA'LAHEN GUÅHAN*
(THE LIEUTENANT GOVERNOR OF GUAM).**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 Guam is marketed as a popular tourist destination, and as a result, tourism is the
4 largest industry in Guam, yet there are few mechanisms available to assure visitors

1 that they are indeed witnessing and receiving an authentic Guam experience.
2 Recent efforts by the Guam Visitors Bureau have focused on the “Branding” of
3 Guam. Currently, the Bureau is in the midst of an ongoing branding campaign
4 which incorporates village happenings into the equation of an authentic Guam
5 experience via the “We Are Guam” village initiative. *I Liheslaturan Guåhan*
6 envisions the incorporation in some form of the “Made in Guam” label with the
7 visitor industry’s branding of Guam. It is obvious and recognized that a normal
8 part of a traveler’s to-do list is souvenir shopping for self, friends, family and
9 associates. This fact necessitates a need to assure visitors, and all consumers, that
10 they are purchasing a product that was genuinely made in Guam.

11 In 1986, the 18th Guam Legislature recognized that identification and
12 protectionist measures needed to be instituted to protect products made in Guam,
13 and offer the pride and proof that comes with boasting of an authentic product of
14 Guam. The creation of the Guam Product Seal (GPS) permit program was intended
15 to address this concern and provide island pride in Guam-made products. The
16 enabling legislation that provided for a Guam Product Seal program was contained
17 in Public Law 18-42.

18 Originally established as a Division under the oversight of the Department of
19 Commerce, the Guam Product Seal Law was designed to promote Guam-made
20 products so that consumers would be able to readily and easily identify whether the
21 items or goods they had just purchased were manufactured in Guam, or are mass-
22 produced mementos made in foreign lands. Today, the Guam Product Seal
23 mandate is an orphan law, although it exists in form and function.

24 Legislation in the 26th Guam Legislature, specifically Public Law 26-76,
25 transferred the GPS program and its components to the Guam Economic
26 Development Authority. A subsequent Executive Order, EO No. 2002-14, further
27 reassigned the support of the Guam Product Seal Program in its entirety, including

1 its assigned personnel, to the Department of Revenue and Taxation. Consequently,
2 the current construction of the GPS statute, administrative rules and regulations
3 and original intent are lacking in program funding, compliance, enforcement and
4 promotion.

5 It is *I Liheslatura's* intent to reenergize the Guam Product Seal concept and
6 revisit, some twenty-five (25) years later, the mandate and its accompanying
7 administrative rules, in order to provide incentives for permit holders, ensure
8 compliance and enforcement by stakeholders and the retail industry in Guam and
9 to actively engage in the promotion of the Guam brand by emphasizing the
10 distinctiveness of offerings that proudly carry the "Made in Guam" label.

11 *I Liheslaturan Guåhan* finds that this can be accomplished by elevating the
12 program to the highest levels of the government of Guam, and raising awareness of
13 the importance of taking pride in items manufactured locally.

14 *I Liheslaturan Guåhan* hereby creates a Task Force on the Guam Product
15 Seal under the direction of the Office of *I Segundu Na Maga'lahren Guåhan* (the
16 Lieutenant Governor of Guam).

17 The composition of the Task Force *shall* be as follows:

18 (a) *I Segundu Na Maga'lahren Guåhan* (the Lt. Governor of Guam),
19 who *shall* serve as the Chairperson of the Task Force, as the Lt. Governor of
20 Guam is the keeper of the Official Seal of Guam, which the GPS logo
21 incorporates components of;

22 (b) the designated Program Coordinator of the current Guam
23 Product Seal Permit program from the Department of Revenue and Taxation,
24 who *shall* also serve as Vice Chair or Co-Chair, as this person *shall* possess
25 institutional knowledge of the GPS program and its components, and is
26 aware of the program's strengths, deficiencies and full-potential;

1 (c) the Director of the Customs and Quarantine Agency of Guam,
2 or his assigned representative, as C&Q serves as the first line of defense in
3 compliance and enforcement;

4 (d) the Director of Revenue and Taxation , or his assigned
5 representative, as DRT is empowered to collect levies and fines from
6 companies found in violation of the law;

7 (e) the President of the Department of *Chamorro* Affairs (DCA), or
8 his assigned representative, as DCA can offer insight into the uniqueness of
9 the Guam brand and the importance of protecting aspects of the *Chamorro*
10 culture and heritage;

11 (f) the General Manager of the Guam Visitors Bureau (GVB), or
12 his assigned representative, as GVB is tasked with promoting the Guam
13 brand in its entirety;

14 (g) the Administrator of the Guam Economic Development
15 Authority (GEDA), or his assigned representative; as GEDA offers
16 programs and opportunities for economic development;

17 (h) the President of the Mayors Council of Guam (MCOG), or its
18 assigned member representative; as Mayors represent the interests of the
19 people and are closely held and highly regarded in all aspects of village
20 happenings;

21 (i) a representative from the Office of the Attorney General of
22 Guam, designated by the Attorney General, who may appoint himself; as the
23 AGO can provide guidance on intellectual property rights relative to the
24 Guam brand;

25 (j) two (2) currently licensed holders of the Guam Product Seal
26 permit appointed by *I Maga'lahi* (the Governor), as GPS permit holders,

1 being current practitioners of the Guam Product Seal, are experts in the
2 industry;

3 (k) a member from the Guam Chamber of Commerce as designated
4 by the Chamber; as the Chamber is a stakeholder that bridges the business
5 community with issues affecting all consumers;

6 (l) one (1) member from the island community appointed by *I*
7 *Maga'lahi*, as public participation and input is a mainstay of governmental
8 processes and operations;

9 (m) a counselor or representative of the Small Business
10 Development Center of the School of Business and Public Administration,
11 University of Guam; and

12 (n) the Director, or his assigned representative, of Public Health
13 and Social Services.

14 **Section 2.** A new Article 2 is hereby *added* to Chapter 2 of Title 5, Guam
15 Code Annotated, to read:

16 **“Article 2**

17 **The Guam Product Seal Task Force Act**

18 § 2201. Short Title.

19 § 2202. Guam Product Seal Task Force, Established.

20 § 2203. Convening of the Guam Product Seal Task Force.

21 § 2204. Composition of Guam Product Seal Task Force.

22 § 2205. Duties of Task Force.

23 § 2206. Conduct of Meetings.

24 § 2201. **Short Title.** This Chapter shall be known as *The Guam*
25 *Product Seal Task Force Act.*

26 § 2202. **Guam Product Seal Task Force, Established.** The
27 Guam Product Seal Task Force is established for the special purpose of

1 protecting the Guam brand by restricting and or limiting the use of the word
2 “Guam” or “*Chamorro*”, or a derivation of such words, on consumable
3 commodities *not* made in Guam in order to promote and enhance the “Made
4 in Guam” label and experience.

5 The Task Force *shall* provide policy direction and recommendations
6 relative to coordination, planning, implementation, administration,
7 promotion, compliance and enforcement of the Guam Product Seal Permit
8 program and accompanying administrative rules and regulations.

9 **§ 2203. Convening of the Guam Product Seal Task Force.**

10 The Guam Product Seal Task Force *shall* be under the direction of the Office
11 of *I Segundu Na Maga’lahi* (the Lt. Governor) and convened pursuant to the
12 provisions of this Act.

13 **§ 2204. Composition of Guam Product Seal Task Force.**

14 The composition of the Guam Product Seal Task Force *shall* be as follows: *I*
15 *Segundu Na Maga’lahen Guåhan* (the Lieutenant Governor of Guam), who
16 *shall* also serve as the Chairperson; the designated Program Coordinator of
17 the current Guam Product Seal Permit program from the Department of
18 Revenue and Taxation (DRT), who *shall* also serve as Vice Chair; the
19 Department Directors, or their assigned representative, of the Guam
20 Customs and Quarantine Agency (CQA), the Department of Revenue and
21 Taxation (DRT), the Department of *Chamorro* Affairs (DCA), the Guam
22 Visitors Bureau (GVB), the Guam Economic Development Authority
23 (GEDA), and Department of Public Health and Social Services (DPHSS);
24 the President of the Mayors Council of Guam (MCOG), or its assigned
25 member representative; a representative from the Office of the Attorney
26 General of Guam, designated by the Attorney General, who may appoint
27 himself; two (2) currently licensed holders of the Guam Product Seal

1 appointed by *I Maga'lahi* (the Governor); a member from the Guam
2 Chamber of Commerce as designated by the Chamber; and one (1) member
3 from the island community appointed by *I Maga'lahi* (the Governor); a
4 counselor or representative from the Small Business Development Center of
5 the School of Business and Public Administration, University of Guam.

6 (a) The Task Force may invite additional public and private
7 sector members to serve on sub-committees, *provided*, that they
8 possess significant background, knowledge and experience with
9 locally produced products; and the Task Force may prescribe special
10 procedures for their participation.

11 (b) The Office of *I Segundu Na Maga'lahi* (the Lt.
12 Governor) *shall* support the administrative needs of the Task Force.

13 **§ 2205. Duties of Task Force.** The Task Force *shall* work
14 collaboratively to create recommendations that will develop a
15 comprehensive Guam Product Seal Permit Program with the overall goal of
16 enhancing and better promoting products that are “Made in Guam.”

17 Its function *shall* include, but is *not* limited to, recommending policy
18 and adoption of a comprehensive Guam Product Seal Program that promotes
19 the Guam brand in products manufactured in Guam or “Made in Guam”.
20 The Task Force *shall* address the following in its findings and
21 recommendations:

22 (a) to create a mission statement and objective of the Guam
23 Product Seal Program;

24 (b) the assignment of the administrative functions of the
25 Guam Product Seal (GPS) Program; i.e., which Agency shall have
26 administrative oversight over the Program; the Office of the Lt.

1 Governor may decide to retain administrative functions of the
2 program;

3 (c) address intellectual property rights and concerns relative
4 to the term “Guam,” “*Chamorro*,” or derivations of either Guam or
5 *Chamorro*;

6 (d) develop a feasible program funding and continuity plan,
7 and a budgetary proposal;

8 (e) evaluate the design of the current GPS label, and
9 recommission if necessary;

10 (f) clearly mark the delineation and assignment of the
11 compliance and enforcement responsibilities, and the authorities of
12 respective regulatory and enforcement agencies relative to the
13 provisions of the GPS program; i.e. complaints, investigations and
14 enforcement requirements;

15 (g) identify and record all Guam Product Seal holders, and
16 businesses that manufacture commodities for sale in the tourism
17 industry;

18 (h) identify incentives and advantages that encourage
19 participation in the program;

20 (i) review the structure of fines and penalties to ensure
21 maximum deterrence for violating the GPS mandate. Visit issues such
22 as asset forfeiture; costs for additional CQA cost recovery
23 (administrative, destruction, storage, etc.); penalties (civil and
24 criminal) for repeat offenders; title and transfer of seized property *not*
25 in compliance with the GPS statute;

1 (j) make appropriate recommendations for legislation to
2 improve the Guam Product Seal Permit Program; recommendations
3 *shall* include the following:

4 (1) address country of origin label concerns;

5 (2) address the use of the words “Guam” and
6 “*Chamorro*” and derivations of;

7 (3) develop minimum standards, font size, and
8 location of product origin on labels of consumable goods sold
9 on Guam;

10 (4) develop retail partnership and community buy-in
11 for Guam products;

12 (5) propose “Made in Guam” incentives/programs;

13 (6) strengthen compliance and enforcement schedules
14 and guidelines; and

15 (7) review the applicability of copyright and
16 intellectual property infringement and trademark violations.

17 (k) formulate an updated version of the Guam Product Seal
18 Permit Program. Such plan *shall* be submitted to *I Liheslaturan*
19 *Guåhan* no later than one hundred twenty (120) days from the date of
20 enactment of this Act;

21 (l) execute fines for non-compliance of the Guam Product
22 Seal mandates and its accompanying administrative rules and
23 regulations; and

24 (m) perform all functions necessary to effectuate the mission
25 of the Task Force as adopted.

1 **§ 2206. Conduct of Meetings, Quorum.** The Task Force *shall*
2 meet *no less than* once every month, and as needed to discuss and assess
3 progress and recommendations.

4 A simple majority of members of the Task Force who are present and
5 voting *shall* constitute a quorum to do business; and any action taken by the
6 Task Force *shall* be by a simple majority of the members.”

7 **Section 3. Effective Date.** The provisions of this Act *shall* take effect
8 upon enactment into law. The first meeting of the Guam Product Seal Task Force
9 *shall* take place *no later than* twenty (20) days after enactment.

10 **Section 4. Severability.** *If* any provisions of this Act or its application
11 thereof to any person or circumstance is held invalid, such validity *shall not* affect
12 other provisions or applications of the Act which can be given effect without the
13 invalid provision or application, and to this end the provisions of this Act are
14 severable.

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 11/07/11⁸

VOTING SHEET

SBill No. 227-31 (LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

OCT 5 2011

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 227-31 (LS), As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 227-31 (LS), "AN ACT TO ENACT A NEW ARTICLE 2 TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF THE LIEUTENANT GOVERNOR OF GUAM." sponsored by Senator Judith P. Guthertz which was referred to and substituted by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse,

Vicente (ben) Cabrera Pangelinan
Senator

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

2011 Nov - 1 11:09:13
Man

2011 JUN -3 PM 3:29 GMD

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session**

Bill No. 227-31 (45)

Introduced by:

Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
B.J.F. Cruz
F. B. ...

AN ACT TO REPEAL ARTICLE 2 OF CHAPTER 50, TITLE 12, GUAM CODE ANNOTATED, AND TO ENACT A NEW ARTICLE 2 TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF THE LIEUTENANT GOVERNOR OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslatura* finds that
3 Guam is marketed as a popular tourist destination, and as a result tourism is the largest
4 industry in Guam, yet there are few mechanisms available to assure visitors that they
5 are indeed witnessing and receiving an authentic Guam experience. Recent efforts by
6 the Guam Visitors Bureau have focused on the “Branding” of Guam. Currently, the
7 Bureau is in the midst of an on-going branding campaign which incorporates village
8 happenings into the equation of an authentic Guam experience via the “We Are
9 Guam” village initiative. *I Liheslaturan* envisions the incorporation in some form of
10 the “Made in Guam” label with the visitor industry’s branding of Guam. It is obvious
11 and recognized that – a normal part of a traveler’s to-do list is souvenir shopping for
12 self, friends, family and associates. This fact necessitates a need to assure visitors, in
13 fact all consumers that they are purchasing a product that was genuinely made in
14 Guam.

1 In 1986, the 18th Guam Legislature recognized that identification and
2 protectionist measures needed to be instituted to protect products made in Guam, and
3 offer the pride and proof that comes with boasting of an authentic product of Guam.
4 The creation of the Guam Product Seal permit program was intended to address this
5 concern and provide island pride in Guam made products. The enabling legislation
6 that provided for a Guam Product Seal program was contained in Public Law 18-42.

7 Originally established as a Division under the oversight of the Department of
8 Commerce, the Guam Product Seal Law was designed to promote Guam made
9 products so that consumers would be able to readily and easily identify whether the
10 item or goods they had just purchased were manufactured in Guam, or are mass-
11 produced mementos made in foreign lands. Today, the Guam Product Seal mandate is
12 an orphan law, although it exists in form and function.

13 Legislation in 26th Guam Legislature, specifically, Public Law 26-76,
14 transferred the GPS program and its components to the Guam Economic Development
15 Authority. A subsequent Executive Order, EO No. 2002-14, further reassigned the
16 support of the Guam Product Seal Program in its entirety, including its assigned
17 personnel, to the Department of Revenue and Taxation. Consequently, the current
18 construction of the GPS statute, administrative rules and regulations and original
19 intent are lacking in program funding, compliance, enforcement and promotion.

20 It is *I Liheslatura's* intent to reenergize the Guam Product Seal concept and
21 revisit, some twenty-five (25) years later, the mandate and its accompanying
22 administrative rules, in order to provide incentives for permit holders, ensure
23 compliance and enforcement by stakeholders and the retail industry in Guam and to
24 actively engage in the promotion of the Guam brand by emphasizing the
25 distinctiveness of offerings that proudly carry the "Made in Guam" label.

1 *I Liheslaturan Guåhan* finds that this can be accomplished by elevating the
2 program to the highest levels of the government of Guam and raising awareness of the
3 importance of taking pride in items manufactured locally.

4 *I Liheslaturan Guåhan* hereby creates a Task Force on the Guam Product Seal
5 to be chaired by the Office of the Lieutenant Governor of Guam.

6 The composition of the Task Force shall be as follows:

7 (a) The Lt. Governor of Guam, who shall serve as the Chairperson of the
8 Task Force, the Lt. Governor of Guam is the keeper of the Official Seal of Guam,
9 which the GPS logo incorporates components of;

10 (b) The designated Program Coordinator of the current Guam Product Seal
11 Permit program from the Department of Revenue and Taxation (DRT), who shall also
12 serve as Vice Chair or Co-Chair, as this person shall possesses institutional knowledge
13 of the GPS program and its components, and is aware of the program’s strengths,
14 deficiencies and full-potential;

15 (c) The Director of the Customs and Quarantine Agency of Guam, or his
16 assigned representative, C&Q serves as the first line of defense in compliance and
17 enforcement;

18 (d) The Director of the Department of Revenue and Taxation (DRT), or his
19 assigned representative, DRT is empowered to collect levies and fines from
20 companies found in violation of the law;

21 (e) The President of the Department of Chamorro Affairs (DCA), or his
22 assigned representative, DCA can offer insight into the uniqueness of the Guam brand
23 and the importance of protecting aspects of the *Chamorro* culture and heritage;

24 (f) The General Manager of the Guam Visitors Bureau (GVB), or his
25 assigned representative, GVB is tasked with promoting the Guam brand in its entirety;

1 (g) The Administrator of the Guam Economic Development Authority
2 (GEDA), or his assigned representative; GEDA offers programs and opportunities for
3 economic development;

4 (h) The President of the Mayors Council of Guam (MCOG) or its assigned
5 member representative; mayors represent the interest of the people and are closely
6 held and highly regarded in all aspects of village happenings;

7 (i) A representative from the Office of the Attorney General of Guam,
8 designated by the Attorney General, who may appoint himself; the AGO can provide
9 guidance on intellectual property rights relative to the Guam brand;

10 (j) Two (2) currently licensed holders of the Guam Product
11 Seal permit appointed by the Governor, GPS permit holders as current practitioners of
12 the Guam Product Seal, are experts in industry;

13 (k) A member from the Guam Chamber of Commerce as designated by the
14 Chamber; the Chamber is a stakeholder that bridges the business community with
15 issues affecting all consumers;

16 (l) Two (2) at-large residents from the island community appointed
17 by the Governor; public participation and input is a mainstay of governmental
18 processes and operations.

19 **Section 2.** A new Article 2 is hereby *added* to Chapter 2 of Title 5 Guam
20 Code Annotated to read:

21 “Article 2, Chapter 2

22 The Guam Product Seal Task Force Act

23 **§ 2201** Short Title.

24 **§ 2202.** Guam Product Seal Task Force, established.

25 **§ 2203.** Convening of the Guam Product Seal Task Force.

1 **§ 2204.** Composition of Guam Product Seal Task Force.

2 **§ 2205.** Duties of Task Force.

3 **§ 2206.** Conduct of Meetings.

4 **§ 2201. Short Title.** This Chapter shall be known as *The Guam*
5 *Product Seal Task Force Act.*

6 **§ 2202. Guam Product Seal Task Force, established.** The Guam
7 Product Seal Task Force is established for the special purpose of protecting the Guam
8 brand by restricting and or limiting the use of the word “Guam” or “*Chamorro*” or a
9 derivation of such words on consumable commodities *not* made in Guam in order to
10 promote and enhance the “Made in Guam” label and experience.

11 The Task Force shall provide policy direction and recommendations relative to
12 coordination, planning, implementation, administration, promotion, compliance and
13 enforcement of the Guam Product Seal Permit program and accompanying
14 administrative rules and regulations.

15 **§ 2203. Convening of the Guam Product Seal Task Force.** The Guam
16 Product Seal Task Force shall be under the direction of the Office of the Lt. Governor
17 and convened pursuant to provisions of this Act.

18 **§ 2204. Composition of Guam Product Seal Task Force.** The
19 composition of the Guam Products Seal Task Force shall be as follows: The
20 Lieutenant Governor of Guam, who shall also serve as the Chairperson; the designated
21 Program Coordinator of the current Guam Product Seal Permit program, from
22 the Department of Revenue and Taxation (DRT), who shall also serve as Vice Chair;
23 and the following Department Directors or their assigned representative from the
24 Customs and Quarantine Agency of Guam (CQA), The Department of Revenue and
25 Taxation (DRT), the Department of *Chamorro* Affairs (DCA), the Guam Visitors

1 Bureau (GVB), the Guam Economic Development Authority (GEDA); the President
2 of the Mayors Council of Guam (MCOG) or its assigned member representative, A
3 representative from the Office of the Attorney General of Guam, designated by the
4 Attorney General, who may appoint himself; two (2) currently licensed holders of the
5 Guam Product Seal appointed by the Governor; a member from the Guam Chamber
6 of Commerce as designated by the Chamber, and two (2) at-large residents from the
7 island community appointed by the Governor.

8 (a) The Task Force may invite additional public and private sector members
9 to serve on sub-committees, provided that they possess significant background,
10 knowledge and experience with locally produced products; and the Task Force may
11 prescribe special procedures for their participation.

12 (b) The Office of the Lt. Governor shall support the administrative needs of
13 the Task Force.

14 § 2205. **Duties of Task Force.** The Task Force shall work collaboratively
15 to create recommendations that will develop a comprehensive Guam Product Seal
16 Permit Program with the overall goal of enhancing and better promoting products
17 “Made in Guam.”

18 Its function shall include, but are not limited to recommending policy and
19 adoption of a comprehensive Guam Product Seal Program that promotes the Guam
20 brand in products manufactured in Guam or “Made in Guam”. The Task Force shall
21 address the following in its findings and recommendations:

22 (a) Create a Mission statement and objective of the Guam Product Seal
23 Program;

24 (b) the assignment of the administrative functions of the Guam Product Seal
25 (GPS) Program - i.e., which Agency shall have administrative oversight over the

1 Program; the Office of the Lt. Governor may decide to retain administrative functions
2 of the program;

3 (c) address intellectual property rights and concerns relative to the term
4 ‘Guam,’ ‘Chamorro,’ or derivations of either Guam or Chamorro;

5 (d) develop a feasible program funding and continuity plan, a budgetary
6 proposal;

7 (e) evaluate the design of the current GPS label, recommission if necessary;

8 (f) clearly mark the delineation and assignment of the compliance and
9 enforcement responsibilities and authorities of respective regulatory and enforcement
10 agencies relative to provisions in the GPS program; i.e. complaints, investigations
11 and enforcement requirements;

12 (g) identify and record all Guam Product Seal Holders, and businesses that
13 manufacture commodities for sale in the tourism industry;

14 (h) identify incentives and advantages that encourage participation in the
15 program;

16 (i) review the structure of fines and penalties to ensure maximum
17 deterrence for violating the GPS mandate;

18 (j) make appropriate recommendations for legislation to improve the Guam
19 Product Seal Permit Program; recommendations shall include the following:

20 (aa) Address country of origin label concerns;

21 (bb) address the use of the word ‘Guam’ and ‘*Chamorro*’ and
22 derivations of;

23 (cc) develop minimum standards, font size, and location of product
24 origin on consumable goods sold in Guam;

1 (dd) develop retail partnership and community buy-in for Guam
2 products;

3 (ee) propose “Made in Guam” incentives/programs;

4 (ff) strengthen compliance and enforcement schedules and guidelines;

5 (gg) commission an exit survey with the GVB that ask visiting
6 consumers the following, or similarly fashioned question/s:

- 7 • When you purchase souvenir items with the word “Guam”
8 or “*Chamorro*” on the packaging, do you believe that the
9 product was made in Guam?

10 Or,

- 11 • Are you concerned about the country of origin on the labels
12 of perishable food products that have the word “Guam” or
13 “*Chamorro*” on the packaging?

- 14 • Does this affect your decision to purchase the item.

15 (1) Yes

16 (2) No

17 (3) Doesn't matter

18 (k) formulate an updated version of the Guam Product Seal Permit Program.
19 Such plan shall be submitted to *I Liheslaturan Guåhan* no later than sixty (60)
20 calendar days from the date of enactment of this Act, and shall be subject to legislative
21 approval; and

22 (l) perform all functions necessary to effectuate the mission of the Task
23 Force as adopted.

24 § 2206. **Conduct of Meetings, Quorum.** The Task Force shall meet *no*
25 *less than* every twenty (20) days to discuss and assess progress and recommendations.

1 A simple majority of members of the council shall constitute a quorum to do
2 business; any action taken by the council shall be by a simple majority of the
3 members.

4 **Section 4. Effective Date.** Provisions of this Act shall take effect upon
5 enactment into law. The first meeting of the Guam Product Seal Task Force shall take
6 place no later than twenty (20) days after enactment. If the twentieth (20th) day of the
7 first meeting and subsequent meetings fall on a Saturday, Sunday or a government of
8 Guam holiday, then the first meeting of the Task Force shall take place on the next
9 available business day.

10 **Section 5. Sunset Provision.** The Guam Product Seal Task Force shall
11 remain in effect until the adoption of recommendations of the Guam Product Seal
12 Task Force are approved by *I Liheslaturan Guåhan*.

13 **Section 6. Severability Clause.** If any provisions of this Act or the
14 application thereof to any person or circumstance is held invalid, such validity shall
15 not affect other provisions or applications of the Act which can be given effect
16 without the invalid provision or application, and to this end the provisions of this Act
17 are severable.

**COMMITTEE REPORT
ON**

Bill No. 227-31 (LS):

**Sponsored by Senator Judith P. Guthertz
As Substituted by the Committee**

**AN ACT TO *ENACT* A NEW ARTICLE 2 TO
CHAPTER 2, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING
A TASK FORCE ON THE GUAM PRODUCT
SEAL UNDER THE AUSPICES
OF THE OFFICE OF THE
LIEUTENANT GOVERNOR OF GUAM.**



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

OCT 31 2011

MEMORANDUM

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 227-31 (LS), As Substituted

Vice Chairman
Committee on Education

Transmitted herewith for your consideration is the Committee Report on Bill No. 227-31 (LS): "AN ACT TO ENACT A NEW ARTICLE 2 TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF THE LIEUTENANT GOVERNOR OF GUAM" which was referred to and substituted by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

This report includes the following:

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

- Committee Voting Sheet
- Committee Report Narrative
- Copy of Bill No. 227-31 (LS)
- Copy of Substituted Bill No. 227-31 (LS)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 227-31 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Fiscal Notes

Member
Committee on the Guam
Military Buildup and
Homeland Security

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

Si Yu'os Ma'åse,

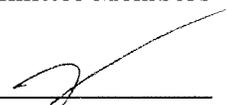
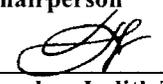
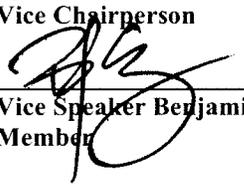
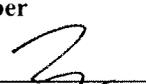
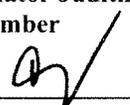
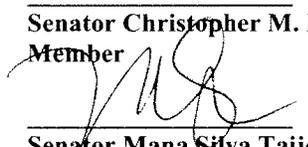
Vicente (ben) Cabrera Pangelinan
Senator

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,
Retirement, and Land**

Bill No. 227-31 (LS), As Substituted: "AN ACT TO ENACT A NEW ARTICLE 2 TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF THE LIEUTENANT GOVERNOR OF GUAM."

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator Vicente (ben) C. Pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D Vice Chairperson	✓				
 Vice Speaker Benjamin J.F Cruz Member	10/31/11 ✓				
Senator Tina Rose Muña-Barnes Member					
 Senator Judith P. Guthertz Member	✓				
 Senator Dennis Rodriguez, Jr. Member	✓ 10/31/11				
Senator V. Anthony Ada Member					
Senator Christopher M. Dueñas Member					
 Senator Mana Silva Taijeron Member	✓				



Office of

the People

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 227-31 (LS): An Act To *Repeal* Article 2 of Chapter 50, Title 12, Guam Code Annotated, and to *Enact* A new Article 2 to Chapter 2, Title 5, Guam Code Annotated, Relative to Establishing a Task Force on the Guam Product Seal under the auspices of the Office of the Lieutenant Governor of Guam.

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on September 30, 2011 at 8:30 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on September 23, 2011 (5-Day Notice), and again on September 28, 2011 (48 Hour Notice).

a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Vice Speaker B. J. Cruz, Member
Senator Judi P. Guthertz, DPA, Member
Senator Dennis Rodriguez, Jr., Member
Senator Chris Duenas, Member
Senator V. Tony Ada, Member
Senator Mana Silva Taijeron, Member
Senator Rory J. Respicio
Senator Tom Ada
Senator Frank F. Blas, Jr.
Senator Aline Yamashita, PhD
Senator Sam Mabini, PhD

(a) Appearing before the Committee

Toshie Ito, Motiva Training and Consulting
Ray Benavente, FCB Associates
Edi Alvarez, Suncare Distributors, Guam Importers for Free Trade
Sustainability on Gifts
Lea Sorilla, Business Owner
Benjamin Hueber, Attorney for WestCo.

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

Asst. Attorney General Phil Tydingco, Office of Attorney General of Guam
Frances Bradley, Owner of Bonita Baskets
Bob McLaughlin, Owner, Chamorro Chip Cookies
Denise Selk, Owner, Cocoa Jo's
Dr. Anita Borja Enriquez, Director, University of Guam Pacific Center for Economic Initiatives
Charles Selk, Owner, Cocoa Jo's
Attorney Bill Blair
Denise Mendiola Hertslet, Senior Counselor SBDC, Women in Business & Micro Credit
Mike Unsiog, Program Coordinator, Guam Product Seal
Lee Pablo, American Chocolates
Jane, From Guam Chocolate:
Dave Flores, Assistant Chief of Customs, Customs and Quarantine Agency of Guam
George Patterson, Suncare Distributors
James Castro, Guam Beer

b) Written Testimonies Submitted

Toshie Ito, Motiva Training and Consulting
Edi Alvarez, Suncare Distributors, Guam Importers for Free Trade Sustainability on Gifts
Denise Selk, Owner, Cocoa Jo's
Dr. Anita Borja Enriquez, Director, University of Guam Pacific Center for Economic Initiatives
Roe-Ann Jean M. Cruz, Office of the Lt. Governor of Guam
Ms. Joann G. Camacho, Guam Visitors Bureau
Joseph Artero Cameron, President, Department of Chamorro Affairs
David P. Leddy, President, Guam Chamber of Commerce
John Calvo, Resident
Brent Ehrenreich, Operations and Control Director, DFS Guam, L.P.
Roe-Ann Jean M. Cruz, Designated Keeper of the Seal, Lt. Governors Office

I. COMMITTEE PROCEEDINGS

Opening remarks:

Chairman Pangelinan: We will now proceed to the second item on the agenda, Bill No. 226-31(LS): An act to amend 5027c of Article 2, Division 2, Title 12 GCA requiring a country of origin label relative to the Guam Product Seal program.

Since we have two Bills of the same subject matter and some of you may transition from one to the other from our review of it, Bill No. 226 is the Bill requiring a country of origin label and Bill No. 227 is an Act to repeal Article 2, Chapter 50, Guam Code Annotated and to enact a new Article 2, Chapter 12, Title 5 Guam Code Annotated relative to establishing a Task Force on the Guam Product Seal under the auspices of the Office of the Lt. Governor of Guam; we'll go ahead and be a little lenient here - if you transition from one to the other, we will accept testimony for both while you are up at the podium. I will give the opportunity to the author to give us a short synopsis of her Bill.

(a) Bill Sponsor Summary

Senator Guthertz: *(Read Sponsor Summary)*

Panel Comments and Questions – None

Chairman Pangelinan: Thank you very much, Si yu'os ma'ase. Now everyone can focus on the issues before us since you now have clear understanding of the intent of the author in the presentation that she has given to us. We'll go ahead and begin with those who had signed up.

(b) Testimony

1. Ms. Toshie Ito, Motiva Training and Consulting, Tamuning

Ms. Ito testified in support of Bill 227-31(LS) *(Read written testimony)*

(Added during her oral testimony) “I would like to say that I do respect business owner choices, business practice, and work ethics. But it should not be, for the customer's sake, deceiving, misleading, or confusing. It should be fair, clear, and customer trust based. Thank you very much.”

Panel Comments and Questions

Chairman Pangelinan: Thank you very much and si yu'os ma'ase.

2. Mr. Ray Benavente, FCB and Associates

Mr. Benavente testified in support of Bill 227.

I work for FCB and Associates. We do government compliance and FDA food safety consulting. I'm here to give approval for Bill 226 and 227. It has been a long time coming. As a former compliance officer - for this Bill - back in the Commerce days when there was a lot of things for the customs officer and the importer, giving teeth as far as manufacturers on Guam placing their hard made products for the tourist industry. Some of the concerns of this Bill lacked regulation for the registration for importers that manufacture this foreign food, complying with food safety. Manufacturers outside Guam should comply to FDA regulations or a third party inspection group, which Guam has one, which is called SGS, and they basically comply with all food safety concerns of all countries both US based or foreign based.

Other issues, is Guam Public Health and Social Service has a tracer form that Guam Customs use both for water imports and cosmetic imports. Basically, if these items come into Guam they are put to the side until public health comes and inspects them. Then it gets displayed on the store shelves. The good thing about this is the importer doesn't have to pay the cost of storage fees, so until these items are public health inspected then it gets released to the shelves and sold in the local commerce.

We must be aware that importers have been known to use generic food or unsafe food and repackaging it and sending it into countries that lack certain food regulations. I think the issue

was the recent Guam negative media on the candies that had the nail, as an investigator we lack the other evidence as far as where they bought the item, what store? I think the importers must be registered before displaying these items into Guam so we can do the recall. As far as any concerns by the tourists industry we would get the recall which would come up to the manufacturer and who's their local company rep. I know under public health and homeland security that's already a set data system that we just add into these laws.

I represent a company called Guam Sweeties, this is their product it's a coconut candy based product, they've complied with all the Guam regulations as far as labeling, food safety, and they have the manufacturing address. Their concern is the Guam Product Seal, they do not want to apply for the Guam product but the word Guam they are using is affecting their cost, they basically have adjusted to that, notified their manufacturers that they need to change the label to where it was made in the front. And they're complying with that with their new packaging candies coming into Guam. They were recently invited to the food expo at DOD for the navy exchange at Andersen and they made the top 3 products that should be displayed in the navy exchange stores. They're going through the FSIS, the food safety inspection right now, FDA is inspecting their manufacturing company in Thailand and once that is all set they will be displayed in all DOD.

So again the Guam name on it basically displays our island to soldiers, sailors, whatever, all over the world. Being part of the marketing group that was there for the 3-day event, most of the veterans, families, and everything wanted these items to be sent to their families and friends all over the world. Why this group wanted Thailand was because it was a coconut supply necessity. Guam does not have that group here to create a couple of tons of coconut to supply their demand. The packaging was very professional; inside these grooves are small packages. Again, this is a bunch of local housewives created the idea. Created the cost and went out to local manufacturers to do a cost analysis they couldn't they took it to a foreign country and came out with this product. It's been on the market for a year and a half they gone into DOD again. And now they're concerned with the regulations being imposed yet they have to comply but the cost of complying and the cost of restructuring their package is one thing. And they also added the history of Guam, where it's from. The taste says a thousand things in the tourist market, its market driven.

Even if you create Guam Product Seal and the taste is not there, it wouldn't be sold. I think the task force should be concerned with that. The task force should look into other ideas from people in Guam that have to go off island because of supply and bring it in under the recipes of Guam or whatever. And that's basically what it was it was a Guam recipe, it's a coconut candy, couldn't be manufactured they took it to elsewhere, it's a great product, people love it, and now they have to comply with Guam law and they will.

Panel Comments and Questions

Chairman Pangelinan: Thank you very much Mr. Benavente.

3. **Ms. Edi Alvarez, SunCare Distributors, Guam Importers Free Trade Sustainability (GIFTS)**

Ms. Edi Alvarez testified in opposition to Bill 227. (*Read written testimony*)

Panel Comments and Questions

Chairman Pangelinan: Thank you very much Edi.

4. **Ms. Lea Sorilla, Agana Business Owner**

Ms. Lea Sorilla testified in opposition to Bill 227.

Good morning. My name is Lea Sorilla, and I am the owner of tropical living located here in Agana. We been in business for 10 years and as a local entrepreneur I've always made it my cause that I support local vendors. I dedicate about 10-15% of my total floor space and inventory dollars to local vendors who would come to my store and present me their items. The final decision is whether or not I can afford the product and sell it at retail that my customers would be able to pay. I am here today in opposition of this Bill.

I truly believe as a retailer doing business for 10 years that the Guam Product Seal law as of right now has been implemented both by the customs officials and all the agencies that are necessary. I have arrived from Bali, Indonesia last week and as always when I arrive from the Philippines or Bali or any other destination where I would bring in products, the first things the customs officers would always ask me is do you have any shells? The 2nd question is do you have any Guam Product Seal products? More often than not I would. Not necessarily consumables, but then they would sit there, put me in the other line and say okay Lea we're going to having to inspect this. They would make sure every latte stone, every turtle that has Guam or a derivative of is checked and has a made in Indonesia or made in the Philippines sticker.

You mentioned, Senator Guthertz that we have all these agencies that you would plan to put in this committee. What my suggestion right now, with the Guam Product Seal is that you ask the GVB, because they're really into branding Guam, this is my suggestion, for those retailers who support it give us a Guam Product Seal sticker, put it on our door, put it on every business establishment on the island who support local made products. I'm proud to be a supporter of local made products; I want to put it on my store. The tourist, the military will take a look at my store and say I can go in there and buy made in Guam products. I think it's wrong from the retailer's standpoint to receive the customers, I have made in the Philippines products, I have made in Indonesia products, I have made in Guam products. Customers would ask do you have made in Guam products. I would show them, I would never show them a made in Indonesia product and tell that customer it's made on Guam. I am positive I am not the only retailer and I am also positive that there are retailers out there that say otherwise. Right now, as a small business, I have 20,000 dollars in investment to develop food items that would have Guam on it or a derivative thereof. In their testimonies in support of this Bill I am not sure if they are in support of this Bill because of the branding or the food safety product.

This Bill does not address the food safety product; it's addressing the words Guam and where it's made. When you develop a product, it doesn't take 6 months, it takes years to conceptualize and actually put the product together. I cannot afford, as a small business, to lose 20,000 dollars that I've already invested in this product if this law were to pass, I cannot afford to change all the packaging to put right underneath Guam or Hafa Adai, made in the Philippines. That would put my business back. Today we have employed five people and they are all here today ask you senators to not support this Bill because it would really hurt us and I have five wonderful employees that I would just not be able to keep if this Bill were to pass because to absolutely lose this 20,000 dollars would be absolutely detrimental to my small business on Guam. Thank you very much.

Panel Comments and Questions

Chairman Pangelinan: Thank you very much Lea.

5. Mr. Benjamin Hueber, Attorney representing WestCo.

Attorney Benjamin Hueber appeared to testify on behalf of WestCo, a Distribution Company in support of Bill 227.

Good Morning. I'm here on behalf of West Co, which is Western Sales trading company; they are a multinational distribution company with a base of operation on Guam. They hire 76 employees here. And I'm here to express their support for 227, the task force Bill but we do not believe 226, the labeling Bill, adequately approaches the goals that senator Guthertz mentioned. Earlier of perhaps making more transparent foreign products origin as well as promoting local businesses, West Co has no problem and supports any effort in supporting local businesses. We think that any support in local businesses will help everyone, not just those businesses. It's very important that we have a stronger industry and a stronger agriculture on this island, but we do not believe that labeling law that would require certain types of branding would address that issue.

I'd like to bring up that we already have laws for labeling as previously mentioned, I'd like to be more specific, 12 GCA 52207, which is the Guam Seal law we're already amending requires that products be appropriately labeled as its origin. And the Guam Cosmetic Act 10GCA 40110 subsector 6 explicitly requires the packaging displaying the location of the manufacturer. Trade practices act 10 GCA 32201 states that it is illegal to cause confusion or misunderstanding as the source of the good or to use deceptive representation or designations of geographic origin. So all of these laws require labeling and it must be clear and on the package. If it is not on the package it violates every single one of those laws.

There are also, as mentioned previously legitimate reasons why the word Guam should be on a package, its destination packaging. It promotes Guam itself; it tells the consumer that this is a product marketed to you regarding your vacation and trip to Guam. If there are certain requirements that were to harm the product itself it wont necessarily result in more purchases, but in less purchases at the point of sale. Strictly from West Co's perspective, it costs a lot of money to repackage products. I don't have the numbers in front of me right now but there are tens of thousands of products of multiple different types that will have to be repackaged. The Bill

provides a grace period of 60 days for importation and 180 days of inventory that's already held to be noncompliant for them to be sold. That may seem like a long time but it takes a while to get the packaging, put it together, bring it to Guam, and distribute it to retailers. And the problem is that retailers are not going to want to purchase goods that have an expiration date. They're not sure if they can sell it within a certain time period. Even if the distribution side of things happens very quickly that doesn't mean that we'll be able to sell them at the retail stage.

This Bill causes a direct affect on the inventory, despite the 6-month grace period. So I would like to implore that if this law were to pass or the senators wish to pursue this, perhaps there would be a longer grace period of a year. I also want to note that the affect on the logo is quite negative, we saw it earlier on the PowerPoint presentation, but any change of a businesses logo affects its impact. Logos and phrases are meant to convey messages and if a message is changed in anyway it affects the brand. Because of all this there may be an affect on the business that suffers this affect and may result in job losses.

Now I want to also add that the Bill does not necessarily address what the purpose is. It has a much broader impact than we think it does. Specifically it says any use of the word Guam or Chamorro or derivations of such word on consumable commodities if such a product was not manufactured on Guam or the product is not a commodity registered under the Guam Product Seal the product must have the phrase made in followed by the country of origin clearly labeled on any offering. The key uses the words consumable commodities and offering. This is critical in the interpretation of this Bill because these words are not defined in the statute, or in the Bill itself. So I looked up what consumable commodity means and it does not just mean mangos and beer and other food.

The word was coined by John Locke to mean something very specific, it means everything that is pretty much not a capital investment, or something that can be used up. So this is not only mangoes, its pens, clothes, golf balls, and even I heart Guam t-shirts. Now I understand this is not the purpose of the Bill but that's what it says. All of these products have to have the word made in wherever they're from on them. I've seen a number of shirts in k-mart that say I heart Guam or Guahan soldier or any other types of things and I don't think anyone's going to want to buy these shirts if it says Guahan soldier made in china. I understand that this is not the purpose of the Bill and I doubt it will be enforced that way but as is written here, it would require that labeling.

As a final point I want to note that this Bill 226-31 is not organic or constitutional. Although it may be a surprise it is a violation of freedom of speech. Businesses actually do have very limited freedom of speech rights as granted under the organic act as well as the constitution. It is not as strong as political speech but by forcing a business to put certain words in their message to the consumers, you're forcing them to speak. As I stated earlier, stating a country of origin that's allowed but certain other things are not. I have the legal authority to back that up, I don't think anyone here wants to listen to that but I'm happy to provide that to any of the senators or research assistants. I believe it's a violation of the commerce clause because it adversely affects foreign commerce more than it affects internal commerce.

So the only way this law would be constitutional under that respect is if it was equally applied to Guam products. In other words, whatever the product name is made in Guam below that that would equally apply whatever damaging affects the changing on the logo would require. We believe that if the Guam Seal program is adequately promoted and adequately supported it could help local businesses and assist them in doing what they need to do. I know very well that local businesses don't have the resources or the ability to promote themselves very well. That's why we think a task force will help build and promote the Guam brand and Guam products that are made specifically in Guam. And teach the visitors the differentiation but the Guam labeling law 226 is destructive, it attacks one type of product and hope it'll promote another type of product. And that's not going to necessarily be the result.

In conclusion if you were to pass Bill 226-31 we think that there would be no benefit to local producers of products, it would harm the economy of Guam, have a number of other unintended affects, including increasing legal ambiguity in what the law is and possibly result in a lawsuit.

Panel Comments and Questions

Chairman Pangelinan: Thank you very much.

6. Attorney Phil Tydingco, Office of the Attorney General of Guam.

Mr. Tydingco testified to provide some technical comments.

Though the Senator defends her Bill very well by the way - I would imagine who came to her to ask her to revisit this will be in support of this Bill. Our position is to promote the welfare, safety and benefits the community as you all know implicit in this Bill it has some health, welfare, benefits here. As we've heard the deceptiveness issue is there, but I am here to point out some technical issues that we would like to address the task force may be the proper avenue and we ask that you include department of public health. Perhaps the task force is the one to look at this Bill we can accommodate the various concerns and issues raised by the competing groups and competing interests.

I think the task force Bill 227 is the one to examine this Bill 226 to see how to meet the needs of the various competing groups. I can tell you that in terms of enforcement - doesn't really happen they collect the products at the port and we're not really sure who enforces it. The statute talks about GEDA but then there's the public health side, there's the revenue and taxation side. I can tell you there has never been a fine levied so those are the facts. Perhaps the task force would be compelled to confront the enforcement issue head on with the proper agencies.

I will respectfully ask that we get the task force going and get the task force to look at the Guam Product Seal law and to clear up some inconsistencies. I tell you enforcement, basically customs seizes it at the port but that's it, it doesn't go any further. I just want to provide this point of information. As for the task force I ask you to make it once a month, it says every 20 days, but I can tell you it works better with flexibilities for all the parties concerned if you can make the meetings at a minimum say once a month as opposed to twenty days.

Panel Comments and Questions

Chairman Pangelinan: Thank you very much and Si Yu'os Ma'ase. We have quite lengthy list of individuals that wish to testify, I am just going to ask – maybe listen to the public testimony and if you (AG) can stay around just in can after we receive all the public testimony if there is a specific question. Then we can come back.

Vice Speaker Cruz: Can I just ask whether or not the Attorney could provide his testimony and a copy of the citation to my office. Mr. Benavente, if you could just leave – and I'll pay for it, your (item) because I want to discuss that later.

7. Ms. Frances Bradley, Owner, Bonita Baskets

Frances Bradley testified in support of Bill 227.

I am a Guam Product Seal Holder, I have been in business for over 14 years, over the course of my doing business the Guam Product Seal holders have decreased drastically in number. And the importers of Guam labeled products have increased. I see that the PowerPoint is convincing – that if you use the word Guam in the origin on the bottom, it makes the product look ugly. You do not need to use the word Guam on it; you can call it something else. I think we need support for the Guam Product Seal holders, right now, I don't think that we have enforcement, that is why there are so many products out there that are labeled Guam but are not made here. One of the concerns I have is that if you use the words Guam or Chamorro, you have to write origin, instead of writing made in China or Made in Thailand, it is saying distributed by... I believe it is intent to deceive the consumer. We just need to clarify those things and I am in full support of the two Bills. Support the Guam Product Seal.

Panel Comments and Questions

Chairman Pangelinan: Thank you very much Frances.

8. Mr. Bob McLaughlin, Owner, Chamorro Chip Cookies

Bob McLaughlin testified in favor of Bill 227-31(LS).

I own Chamorro Chip Cookie. I have been in the business for 30 years. I think Tita Guyuria might be in business a little bit longer. I am in favor of Bill 226. Specifically to include the country of origin when you use the name or the word or the map of Guam or Chamorro. Chamorro Chip cookie has been complying with the Guam Product Seal rules and regulations. We were initially a member of the Guam Product Seal group. I think the Guam Product Seal law was passed years ago with good intentions. I think our forefathers did the same thing when they had the 2nd amendment, the right to bear arms, without foreseeing AK47's and bazookas by private citizens.

I think that the Guam Product Seal as it stands is well written, without any foresight as to what happens with the flood of foreign made products representing Guam or Chamorro for retail sales.

I am speaking specifically about edibles. I think we can legally change that word consumables to edibles. I'm only concerned with the edibles portion of Bill 226. There was concern of the cost of changing packaging and how detrimental that may be for some poor people.

Every time the federal government comes up with some new regulation for Chamorro Chip cookie, we have to comply with. We have to change our labeling. When the federal government comes up with allergen disclaimers, we have to spend money to change our labels. When the federal government comes up when you have to break down the ingredients to the minutest littlest ingredient saying wheat flour, you have to break it down to say what we put in to the wheat flour. We have to change our label at substantial costs. Over the years, we've all been up and down, we've all had our typhoons, and we've all had our setbacks financially.

I am in full favor of the passage of this Bill, at the cost of some other imports. If they think that they can use Guam or Chamorro, and pander the name through their retail outlets and through importation from foreign countries so be it – is this what you want for this island? I have chosen this to be my home; I have great respect for the names...It boils down to are we going to sell ourselves short? Are going to sell the name of Guam or Chamorro at any costs? I don't want to get into the legal aspects of using the names, or how you use it, or why, or putting people out of work. I'm fighting for my life. We have been here long enough. We have a wonderful product. It is an icon here on Guam. I don't want to see it die! I don't want to have Chamorro Chip Cookie made in China. Please support this Bill.

Panel Comments and Questions

Chairman Pangelinan: Thank you very much Frances.

9. Ms. Denise Selk, Owner, Coco Joe's

Ms. Selk testified in favor of Bill 227-31(LS). *(Read written testimony)*

Panel Comments and Questions

Chairman Pangelinan: Thank you and si yu'os ma'ase Ms. Selk.

10. Dr. Anita Borja Enriquez, Director, University of Guam Pacific Center for Economic Initiatives

Dr. Enriquez testified in support of Bill 227. *(Read written testimony)*

We've heard very compelling testimony for and against the Bills and I want to preface my statement with saying basically that the World Trade Organization (WTO) exists for the sake of harmonizing Trade across the various regions, various countries and what not. You do have Trade associations that exist for the purposes of strengthening the harmonizing of free trade and what not. I as an advocate for economic development and certainly the love and passion for Guam and strengthening our small business community, I come before you in my capacity as the director of the University of Guam Pacific Center for Economic Initiatives.

Panel Comments and Questions

Chairman Pangelinan: Thank you and si yu'os ma'ase Dr. Enriquez.

11. Mr. Charles Selk, Owner CoCo Joe's

Mr. Selk testified in support of Bill 227.

I want to clear up a couple of misconceptions. It has been said that we're here today to clear up some ambiguities in the law. That is not really the case. We're here because of a lack of enforcement of the current law. The law was enforced prior to the Camacho Administration, we did not have these products in the market and it was working fine. The problem is enforcement. The only objection I have to the current Bill is the grace period for violators of the current law. And I say violators because for the most part, they are in clear violation of the current law. They do not clearly show under any vague definition of clear – you cannot say that they're clearly stating where they are made, because it is stated in little tiny writing hidden somewhere in the package and it certainly is not conspicuous. They don't say that they are made in China or Made in Indonesia in most cases, they say packaged in Indonesia or packaged in China, which to a non-English speaking tourist, they probably think it means that the package is made in China so it is not clear or conspicuous.

My objection is only that why we give these people that are clearly breaking the law a grace period to unload their illegal goods. It is not fair to the rest of us who are struggling to compete with these people. They have had plenty of notice since this subject has come up with Senator Guthertz. They have had plenty of opportunity to change their packaging and most of them change their packaging on a regular basis anyway. There's just no excuse. There are other portions of the current law that are not being enforced. Such as advertising and things like that. A few other misconceptions are that the economic impact of removing these items, we are not asking that they be removed. They can still bring in Chinese chocolates; just don't call them Guam chocolates. No one is asking them not to bring their cheap Chinese chocolates in, just do not bring them in under the pretense of them being Guam chocolates or Guam cookies or whatever. As far as coconut – being able to supply this void, that is going to be created, that is the whole intent. You create a demand so that more people can go into business on Guam and hire more people.

Suncare said they hired 30 people to bring in millions and millions of dollars worth of foreign goods. We hire 10 people to do just a minute fraction amount of that business. You'll have a lot more people employed on Guam with manufacturing then you do with somebody just trucking goods to and from a warehouse. Help us out. We are all struggling to survive, just a few survivors left and we all have good products. We just need protection from these companies that are advertising and misleading customers into believing that they have a Guam product when they don't.

Panel Comments and Questions

Chairman Pangelinan: Thank you and si yu'os ma'ase Mr. Selk.

12. Bill Blair, Attorney

Attorney Blair testified in On Bill 227.

He is a consultant on complying with laws including the Guam Product Seal law. When it was first enacted, our firm was involved with working and commenting on the original rules and regulations and dealing with some of the problems that people had just trying to figure out how to comply with the law. I would echo many of the comments, I am not a marketer, I am not a merchandiser, but it seems to me that some of the things are fairly intuitive.

If you're going to say that you brand a product and you are going to use the Guam to create a souvenir package, destination packaging, whatever it is called, and you have to put other words in the same size or half the same size, as to whatever the law will provide, it is going to create a disincentive and there is going to be economic consequences. Now whether that is good policy or bad policy that is what you'll have to decide. My primary purpose here is to comment on what I consider some real technical problems with the statute 226. First of all since we're talking about 227, it seems to me that 226 is kind of like the cart before the horse. If you are going to have a task force to look at improving the Guam Product Seal law, why would you pass a law that makes changes to the Guam Product Seal law before that task force is created and does its work?

Currently, there are a number of laws on the books in Guam which address all the concerns Mr. Selk and others have made about unfair competition, deceptive practices – all those things are covered by existing law. Now whether there is a lack of enforcement of existing law, does that mean you need a new law? Just turning to 226, it would appear to me, I am not sure the intent, in her opening comments, Sen. Guthertz said this was primarily to address consumable products which she seemed to suggest was food items primarily by changing the definition to consumable product, it seems to me that you are taking every other product out of the Guam Product Seal law. So the T-shirt would be exempted now from the Guam Product Seal law. Key chains would be exempted, etc. etc. Is that the intent? I don't know.

You need a definition of consumable product; there is no definition so it is ambiguous. You use the term-registered commodity, I think you have to dig really deep into the regulations to figure out what that might mean. It would behoove you to put in a definition for registered commodity if you are going to use that term. Similarly you say in cc) Standard Labeling Practices, what does that mean? What are standard labeling practices? Apparently you recognize that there such things, there are laws, federal and Guam laws that impose labeling requirements on products. And our jobs as lawyers are to advise clients how to do it. If you are going to use terms like that – tell us what you mean so that we can tell our clients what you mean. In bb) it doesn't make sense, it says under the words derivatives there shall be words equal in length or half the length, what does that mean? Half the size or the same size?

Again these words are ambiguous if you create ambiguity, that makes it hard for us to advise clients on how to comply so I think that there needs to be a little more thought given to the words as to what the intent is. Are you trying to limit the Guam Product Seal law that prescripts the

limit of the use of the word Guam to only consumable products which is what this law would do I can tell you, which I would mean to be food and beverage. Or does the I Heart t-shirt, is that okay even though you have a label.

Federal law requires you to say what the label is, where it is from. All that has got to be built into the label under federal law. Is that good enough? Again you talk about packaging what does the label look like, the regulations are getting very specific,. How do you label a keychain, how do you label an earring with the Guam seal like which you see in stores, how does that label look, how do you comply, this does not give you any clues. The regulations that are on the books do. This throws all that into doubt, what that means. I think this needs more thought and I would suggest you let – if you choose to have a task force – let the task force make the recommendations as to possible changes, how can we better enforce, what the holes are there in enforcement. But don't create a bunch of rules with unknown economic consequences without some more thought.

Panel Comments and Questions

Chairman Pangelinan: Thank you and si yu'os ma'ase Mr. Blair.

13. Denise Mendiola Hertslet, Senior Counselor, Guam Small Business Development Center at the University of Guam, Program Coordinator for the Women in Business Program and the Micro Credit Training Program

Denise Mendiola Herslett testified in support of Bill 227.

We are in support of Bill 226 and 227. I am going to jump to Bill 227 and request that the Small Business Development Center be included on the task force. And the reason for this is we spend most of our time working with our start-up businesses and our existing small businesses on Guam. We are the boots on the ground and we meet with our clients almost on a daily basis to help them with their business issues. Most recently, tasked to assist the Guam Product Seal holders for the Guam Museum Conference. I am a marketer by trade, so I have to commend all the business owners that have come up to speak because it is very helpful from the marketing aspect to be able to have the big Guam sign on your products that you are trying to sell to our visitors.

I want to take it from another perspective and the perspective is looking at the seventh generation. The Guam Product Seal holders take better care of their environment. The reason for that is that they rely on their local environment in order to produce these products. I will give you brief examples. In order to make the coconut candies, you need the coconuts here on Guam In order to be able to make the dried mango and the dried bananas, you need the banana trees, you need the mango trees. In order to make the shell jewelry that people come here and buy, and brand the Chamorro culture you need to have healthy environments along the reefs and on the seashores. In order to produce the Noni juice and the Daok oil that you see from the trees that line Marine Corp drive, you need to be able to have clean and healthy trees and a healthy environment.

Therefore, it is really important that we look at – if we want to provide a sustainable environment and we want to be able to have a healthy environment. For the seventh generation, we need to take a look at supporting our locally made products because they will take better care of our island and environment.

Panel Comments and Questions

Chairman Pangelinan: Thank you very much Ms. Hertslet.

14. Mike Unsiog, Program Coordinator, Guam Product Seal, Department of Revenue and Taxation

Mr. Unsiog was called a s panelist to share his experience as the program coordinator of the Guam Product Seal. He stated he was in favor of Bill 227-31(LS)

For the past nine years, I have handled the Guam Product Seal solely, through Executive Order 2002-14. It has been a trying time for me, only because I've been handling it with no funds. Thankfully, the Directors have been very supportive. With the Bill that is being brought forth, it is a long-time coming. I am in favor of it Sen. Guthertz and all the panel. This is really a tedious task for me. I have been carrying the burden for that many years. I see the struggles that the local manufacturers are going through. I hear their stories and what they are now facing and it is really not a pretty picture. There has never been the intent to tell the distributors here to stop bringing in the product, it has always been the intent to do what is properly intended in the law as to how those products get into the shelves.

It is so ironic that just a couple of days ago, I went to a local retailer with my supervisor and we saw several ads that were put up there and it was rather shocking to find out that our Guam Product Seal recipients are putting the advertising labeling saying Made in Guam but the manufacturers that are bringing in these off-island goods don't have that on the shelves. And when we asked about that, they said o yes it is there. It is in the box. I am pretty sure that you've visited these local retailers and you've seen the boxes that are there. Read the boxes, look in the boxes and see what is in that box. I can't read some of that, it is so thin that you can barely read it.

Whatever way the law, goes, I hope that at least with the passage of Bill 227, I hope that I would get some reinforcement so that we can finally put to rest, what is actually beneficial for both parties. Let's make it a win-win situation where they can bring in their products, and let's help the local manufacturers get a fair share in the playing field.

David Flores Called as a panelist

15. Ms. Lee Pablo, American Chocolates

Lee Pablo spoke in support of Bill 227-31. A sales representative for American Chocolate Factory. Ms. Pablo wanted to relay her horrific experience competing with wholesale distributors and felt intimidated by them. She testified – Japanese people in K-mart and ABC stores - they

are looking for a made in Guam product. If they know that product is made in China they say ‘Damme, Damme, Damme,’ which means they don’t like it.”

Chairman Pangelinan: Thank you very much ma’am.

16. Ms. Jane Hua, Guam Chocolates

Ms. Jane from Guam Chocolate didn’t provide formal testimony: She wanted to share that she thought it was important for the Guam brand to be representative of the island. She felt victimized when a nail was found in a Chinese made Chocolate box offering. Her business was singled out and associated as the origin of tainted product.

Chairman Pangelinan: Thank you very much ma’am.

Panel Comments and Questions

17. Dave Flores, Assistant Chief of Customs, Guam Customs and Quarantine Agency.

I’ve heard a lot of discussion today. The thing that I can share my perspective on is the regulation and law enforcement. If there is a lack of law enforcement or enforcement of any statute that is purview under the Guam Customs, then we invite the public to come and see us and present this information so that we can take it to the next level. We continue to enforce the Guam Product Seal statute, There is no doubt in my mind that the law enforcement officers, the employees of the Guam Customs and Quarantine Agency continue to do this diligently, daily and with public safety, consumer product safety and all regulations applicable to Guam. We continue to do this and I can assure you that we will enforce all laws and regulations that are applicable to Guam.

Again, if there is a lack of enforcement, then please, we invite the public to come and see us, present this information, and we will follow it up.

I’d like to talk about that situation which involves chocolates and the nail. That is a criminal violation right there, clearly to me – criminal mischief – falls under 9 GCA. What needs to happen is that it has to go through the criminal process system. Of course we have our administrative process system as well. Customs has a very unique enforcement responsibility. We do both criminal laws and non-criminal laws or civil laws. When we find a Guam Product Seal violation, we will work within the limits of those resources that the government of Guam can provide -we will work with Mike Unsioig. If it’s a cosmetic, medication or other type of product that relates to public health – we will work with public health. But please, rest- assured that we continue. We work 24 hours seven days a week and we never stop. We will continue to do this.

I am not going to speak in favor or in disfavor of any of the Bills - we will support whatever the policy makers put out. We will uphold the law. We will enforce the law and that I can assure you is the mission of Guam Customs. Thank you.

Chairman Pangelinan: Thank you and si yu'os ma'ase.

Discussion: Concluding Comments and Questions

Chairman Pangelinan: I am going to ask the vice speaker, did you have any comments or questions?

Vice Speaker Cruz: David can you describe the Guam Product Seal to me?

David Flores: I am going to give you David Flores's perspective. The Guam Product Seal law we enforce, again based on the statute, is any product that bears the Guam label, Chamorro, any product that comes in must show where it is made in. Some of the things I've seen - maybe like the labeling not being permanent - as to where the country of origin - for example a sticker, that could be a problem. I believe for products, it should be permanently affixed, part of the package so that it cannot be altered. In that enforcement, that's how we make a determination with respect to the Guam Product Seal.

Vice Speaker Cruz: This Guam Product Seal, is it the sling stone shape, is it a rectangle with a white background - with the outline of Guam on it?

David Flores: It could have those variations, but anything that represents Guam, we will stop and if we have a question if it does have those elements, we will contact Rev & Tax. And we will work with them on this.

Vice Speaker Cruz: Maybe then, Mr. Unsiog if you could tell me then, what does the Guam Product Seal look like?

Mike Unsiog: Basically it's a circle and inside that circle, it has a map of Guam and it says Guam Product Seal. But you know with the Guam Product Seal recipient who have been granted the Guam Product Seal permit, then can do it in any form, as long that it is indicated that the product is made in Guam. They can use the verbiage "made in Guam" and this is the symbol of what was approved as the official seal of the Guam Product Seal.

Vice Speaker Cruz: Thank you. The reason, I am only using the ones that were brought in, the products that were given to me, and I asked from Mr. Benavente. This is a beautiful package for coconut candy and if you look at it - the whole thing, it's all Guam. And I love the fact that he has this little story about Guam and how to say "Hafa Adai." It does really good work in promoting Guam. But the thing that I am concerned about is where the ingredients are. It has what, admittedly a rectangular form of what can conceivably be mistaken as the Guam Product Seal. So when somebody picks it up, if Lea was to try to explain to her customers - it says Guam Sweeties on the front - huge - it's got the little Chamorrita, all kinds of things, the story, about

Guam and in tiny (print) here it says “made in Taiwan.” The thing I’m concerned is this play here with the outline of Guam.

The other one that I thought was interesting was this box of cookies. I know you can’t see it down there but in this corner here, you have the outline of the map of Guam, it has a round thing, here, “Hafa Adai Guam USA,” and it looks very very close to being the Guam Product Seal. And they had put some seals on here to make it look like what would happen if the law passed, but actually if you went through the box, there is a huge story about Guam, which is great. I mean I love the fact that you are telling the story about Guam. But trying to figure out where it was made, this was made in US - well they added on to this, it’s taped on, Made in USA, but if you go through the whole box, you find a tiny little made in USA, packed exclusively for DFS Guam LP PO Box whatever, it’s really tiny in the back, if you go through this whole thing, 99 percent, 99.9 percent of it, you would think was Guam, our beautiful plumeria, especially this strange seal.

And on this one (holding up a third package) though they put this tag on the front of Made in the Philippines, it says Guam USA, and then there’s a seal up here and it says Guam’s #1 Dried Mangoes and another seal on the other side says US Military approved. And I think that’s what we as sponsors were trying to address, is to just not have Lea have Lea have to spend the entire day trying to explain, that her 15 percent of her shop that is set aside for actual Guam made products, that she doesn’t have to explain to everybody – it’s back here in the bottom that it says made in Cebu. The front says Guam USA, but down here in the bottom it says Cebu, Philippines. That’s all that we are trying to do. Maybe it doesn’t necessarily have to be huge in the front, but someplace where it’s easily recognizable and can be seen, not at the very bottom in the crease or someplace where you don’t even know where – it just says made in USA and packaged with an address.

Or this one, thankfully it says no ingredients made in China, but it says packaged in Malaysia. That is all we are trying to address. I know the main sponsor of the Bill has other boxes but these were just the ones that were brought and handed to me. I just want to point out that just from that that is what we are trying to address. Something that, though I support trying to get the Guam story out, we’ve also got to be a lot clearer about the fact that it wasn’t made here and let the people make the decision on whether or they are going to purchase it at \$17 or \$31 knowing that this was actually made here as opposed to something that was brought in from China or Malaysia. But unless they, in my old age and my vision, I had to take my glasses off to find and read the small print of where it was made, and where you are at the store, like you were saying Mr. Unsiog, with a big sign that says made on Guam, and the other places don’t have it, but it has this huge thing that says Guam sweetie, Guam USA or Guam, in huge... - Guam pineapples, it makes it difficult for the consumer to know what exactly they’re purchasing.(interruption inaudible). The thing is, is that we are trying to give the consumer the ability to make an informed decision and be able to see it without having to take off your glasses or to put on you contacts just to read it.

Chairman Pangelinan: Thank you very much Mr. Vice Speaker.

David Flores: Sir, I'd like to elaborate. In some of my discussions, again those labels that just simply peel off, again, I always think of the Latin phrase "caveat emptor," "caveat vendor." I think we need to solidify too the rules and regs. I am familiar with 4 GAR, which covers the Guam Product Seal. The logo, which this example provides is indeed the Seal, however, within the context of 4GAR, Title 4, of the Guam Administrative Rules, all those products that were just shown fit the Bill. So how do we – again, Customs will continue to provide some type of justiciable enforcement action for all parties concerned. When there is a question of law, or of a regulation then we will address either with rev & tax, who are now currently the keeper of the statute or the AG's office. Again, we will work. I think the improvements definitely, is long overdue, I mean this statute originally started out with Department of Commerce, that department no longer exists. As the government transforms, reorganizes and shifts from what it is in the past to whatever the history to carry over, with respect to the Guam Product Seal, then we need to also move with the times and these, those are just the examples we face every day at the ports of entry into Guam.

Vice Speaker Cruz: The other thing I wanted to Mr. Chairman that I wanted to address was - I appreciate the fact that the Attorneys brought up the fact of the thing about consumable products and the issue with the T-Shirts. Because nothing shocked me more a couple of years ago, when I was chairman of tourism, when we were starting the campaign, "We are Guam", and discovered that somebody had copyrighted that and GVB actually had to pay a license fee to the person that was ingenious about going and copywriting the We Are Guam phrase. We had to actually pay for it! As a former, as a Bordallocrat, you'll appreciate this, because you remember, when we had the campaign - I Love Guam, and now that is a copyrighted logo that belongs to somebody else. I was trying to figure out, wait a minute, I remember all of mine, and I still have some of my t-shirt from the I Love Guam.

Chairman Pangelinan: it's kind of ironic, even the type. It's exactly the same.

George Patterson: My name is George Patterson. What I'd like to do is to find out what actually made in Guam means as far as the product is concerned. For example, if somebody is making chocolates First of all, we don't have chocolates here on Guam, so everything has to be imported for chocolates. They put macadamia nuts into it; we don't have macadamia nuts here so that has to be imported. So pretty much all they're doing is packaging the product here because they are importing all the ingredients in. How do we determine exactly what is made in Guam?

Chairman Pangelinan: That is a legitimate question; we will take that and define that in the statute – I think it is defined in the Guam Product Seal.

Mike Unsiog: Yes it is Senator.

George Patterson: So a certain percentage has to be here in Guam?

Chairman Pangelinan: Value added.

Mike Unsiog: That is correct senator.

George Patterson: so if that is the case, where is the, like I said if you do chocolates, there is no chocolates here on Guam, right?

Mike Unsiog: That is correct, there is no chocolate, but if you bring it in its raw state, and then transform it into something substantial other than when it came in raw. Anything 50 percent or over - let me take one point in case. Jane – when I went down to her factory, right there in the Chamorro Village Senator, and I see some of her employees, manufacturing the goods right there, she gets blocks of chocolates, white chocolate, dark chocolates and all that, and she transforms that chocolate into what she has now, so that constitutes from label to the transformation of that chocolate into the product she has today. So it is not about just bringing the chocolate here and assembling it and packaging it, as everyone assumes it to be, it 's not that. It's always been in the law, that 50 percent or over, as long as it has a substantial transformation, it can bear the Guam Product Seal logo.

Chairman Pangelinan: So there are standards that have to be measured in terms of being able to qualify for a Guam Product Seal as being manufactured or made in Guam. So there are statutes there.

Jane Hua: Ms. Hua of Guam Chocolates spoke about the made in Guam – on when it is made in Guam, you can find who is responsible for the product.

Senator Respicio: I see Mr. James Castro here, and although he didn't sign in to testify, I want to just generate some discussion, with respect to (items) like Guam Beer and the dilemma that your company faces. It is a beer that is clearly labeled Guam Beer, and it is manufactured in Korea, correct?

James Castro: Correct. It's funny that you bring that up. We actually were going to call it Dos Amantes beer, two lover's point beer, and was actually a Japanese company that wanted us to call it Guam Beer because it was simple, and the idea was that when the Japanese come to Guam, they experience a wonderful vacation; they have a great time with their friends and family. And they want to be able to take some of that experience home. Not because they think it is made on Guam, but because they want to just show a souvenir that showed how much fun, how much good times and how much enjoyment they had on the island.

Senator Respicio: But do you think that the tourists are clear that that beer is not manufactured in Guam.

James Castro: We have not heard any complaints, we have not - we work – ABC sales a lot of our products and they have not received any complaints about Guam beer. The people that buy it at the hotels don't ever complain that it's made in Korea. It's a great product, it's a good product, it tastes good, and I hope you all tried it. You know. And it's good. And we went to a very respectable company that created it.

Senator Respicio: My question is what if it's not a good product? And you have a product that is bearing the Guam name.

James Castro: I think that is where enforcement comes in, I mean they are breaking the law, they are not bringing in something that is of quality and good, the yeah, they should be prosecuted. But why punish the businesses that are following the law. Why hurt the businesses that are doing good to help promote the island because the millions of advertising or marketing that these businesses have been doing for the island right now has been positive. We're not asking for subsidies from the government, we're just helping to promote the island, promote the fun and not trying to take away from the local companies.

Chairman Pangelinan: We're not going to debate this. We are here to listen to your comments on the Bill and what is being presented.

James Castro: And I am not here to debate, the senator asked me to come up.

Senator Respicio: I think my question specific to the Bill is if the Bill passed, how would you comply.

James Castro: We've discussed changing the name; we've discussed adding made in Korea in a more dominant area I guess. But again, today we know what all these products bring to the island. Today we know that. We know how much millions of dollars, how many people are employed, that's real. By changing the law like this, by adding something that could change everything and hurt the island, and hurt the economy even more, really do we need to do it? I mean because the local companies, as much as we support them, and we appreciate having the products of the Guam Product Seal holders, we support them they've got a competitive advantage over all of us, and they've just need to take advantage of that! Made in Guam is a good thing. But why punish everybody else, because you will hurt the island. Let me stress, the local companies cannot, cannot make up for the loss of revenue that is going to come from all the other companies that are going to be shut down because we are going to change something that has been good for 25 years. That's just what I have to say.

Senator Guthertz: I just want to point something out, it is not as hard as you make it sound, right here is a sample, this is a good sample of a product that says, Guam USA, 7D dried mangoes, but in the bottom of the package, it says product of the Philippines. What's wrong with that? That is all we are trying to see occur with this bill is consistency. So that if you are a consumer, and you go out to buy at any of the retail shops or the grocery stores or whatever, you know what you are buying, that's all. It is hard to do that right now. You don't know what you are buying.

James Castro: Senator, if they really, and I believe one of the ones who are against it, mentioned it – if they really wanted to know, they would look. And it is there.

Senator Guthertz: Most of these consumers don't speak English; most of these consumers don't speak English.

James Castro: Is there a huge complaint coming? Has there been a huge media publicity of tourists that are unhappy?

Senator Guthertz: Let me say off-hand, does that make it ethical? Does that make it ethical? Does that make it right because we don't have hundreds of thousands of people complaining?

James Castro: We haven't broken the law, we haven't broken the law.

Senator Guthertz: No and we are going to make the law better. And most of the folks go to the stores wanting to buy products made on Guam. And they don't know that it is not made on Guam when they look at the packaging. Most of these folks don't speak English. They can't speak English. That is part of the problem! Thank you Mr. Chairman.

Chairman Pangelinan: The proposal is on the labeling not on the importation. We'd like to kind of focus on that. That would be what is being proposed. Any other comments?

Thank you very much. Si yu'os ma'ase. That would conclude the public hearing on Bills 226 and 227.

II. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 227-31 (LS) with the recommendation to pass.

1 In 1986, the 18th Guam Legislature recognized that identification and
2 protectionist measures needed to be instituted to protect products made in Guam, and
3 offer the pride and proof that comes with boasting of an authentic product of Guam.
4 The creation of the Guam Product Seal permit program was intended to address this
5 concern and provide island pride in Guam made products. The enabling legislation
6 that provided for a Guam Product Seal program was contained in Public Law 18-42.

7 Originally established as a Division under the oversight of the Department of
8 Commerce, the Guam Product Seal Law was designed to promote Guam made
9 products so that consumers would be able to readily and easily identify whether the
10 item or goods they had just purchased were manufactured in Guam, or are mass-
11 produced mementos made in foreign lands. Today, the Guam Product Seal mandate is
12 an orphan law, although it exists in form and function.

13 Legislation in 26th Guam Legislature, specifically, Public Law 26-76,
14 transferred the GPS program and its components to the Guam Economic Development
15 Authority. A subsequent Executive Order, EO No. 2002-14, further reassigned the
16 support of the Guam Product Seal Program in its entirety, including its assigned
17 personnel, to the Department of Revenue and Taxation. Consequently, the current
18 construction of the GPS statute, administrative rules and regulations and original
19 intent are lacking in program funding, compliance, enforcement and promotion.

20 It is *I Liheslatura's* intent to reenergize the Guam Product Seal concept and
21 revisit, some twenty-five (25) years later, the mandate and its accompanying
22 administrative rules, in order to provide incentives for permit holders, ensure
23 compliance and enforcement by stakeholders and the retail industry in Guam and to
24 actively engage in the promotion of the Guam brand by emphasizing the
25 distinctiveness of offerings that proudly carry the "Made in Guam" label.

1 *I Liheslaturan Guåhan* finds that this can be accomplished by elevating the
2 program to the highest levels of the government of Guam and raising awareness of the
3 importance of taking pride in items manufactured locally.

4 *I Liheslaturan Guåhan* hereby creates a Task Force on the Guam Product Seal
5 to be chaired by the Office of the Lieutenant Governor of Guam.

6 The composition of the Task Force shall be as follows:

7 (a) The Lt. Governor of Guam, who shall serve as the Chairperson of the
8 Task Force, the Lt. Governor of Guam is the keeper of the Official Seal of Guam,
9 which the GPS logo incorporates components of;

10 (b) The designated Program Coordinator of the current Guam Product Seal
11 Permit program from the Department of Revenue and Taxation (DRT), who shall also
12 serve as Vice Chair or Co-Chair, as this person shall possesses institutional knowledge
13 of the GPS program and its components, and is aware of the program's strengths,
14 deficiencies and full-potential;

15 (c) The Director of the Customs and Quarantine Agency of Guam, or his
16 assigned representative, C&Q serves as the first line of defense in compliance and
17 enforcement;

18 (d) The Director of the Department of Revenue and Taxation (DRT), or his
19 assigned representative, DRT is empowered to collect levies and fines from
20 companies found in violation of the law;

21 (e) The President of the Department of Chamorro Affairs (DCA), or his
22 assigned representative, DCA can offer insight into the uniqueness of the Guam brand
23 and the importance of protecting aspects of the *Chamorro* culture and heritage;

24 (f) The General Manager of the Guam Visitors Bureau (GVB), or his
25 assigned representative, GVB is tasked with promoting the Guam brand in its entirety;

1 (g) The Administrator of the Guam Economic Development Authority
2 (GEDA), or his assigned representative; GEDA offers programs and opportunities for
3 economic development;

4 (h) The President of the Mayors Council of Guam (MCOG) or its assigned
5 member representative; mayors represent the interest of the people and are closely
6 held and highly regarded in all aspects of village happenings;

7 (i) A representative from the Office of the Attorney General of Guam,
8 designated by the Attorney General, who may appoint himself; the AGO can provide
9 guidance on intellectual property rights relative to the Guam brand;

10 (j) Two (2) currently licensed holders of the Guam Product
11 Seal permit appointed by the Governor, GPS permit holders as current practitioners of
12 the Guam Product Seal, are experts in industry;

13 (k) A member from the Guam Chamber of Commerce as designated by the
14 Chamber; the Chamber is a stakeholder that bridges the business community with
15 issues affecting all consumers;

16 (l) Two (2) at-large residents from the island community appointed
17 by the Governor; public participation and input is a mainstay of governmental
18 processes and operations.

19 **Section 2.** A new Article 2 is hereby *added* to Chapter 2 of Title 5 Guam
20 Code Annotated to read:

21 “Article 2, Chapter 2

22 The Guam Product Seal Task Force Act

23 § 2201 Short Title.

24 § 2202. Guam Product Seal Task Force, established.

25 § 2203. Convening of the Guam Product Seal Task Force.

1 **§ 2204.** Composition of Guam Product Seal Task Force.

2 **§ 2205.** Duties of Task Force.

3 **§ 2206.** Conduct of Meetings.

4 **§ 2201. Short Title.** This Chapter shall be known as *The Guam*
5 *Product Seal Task Force Act.*

6 **§ 2202. Guam Product Seal Task Force, established.** The Guam
7 Product Seal Task Force is established for the special purpose of protecting the Guam
8 brand by restricting and or limiting the use of the word “Guam” or “*Chamorro*” or a
9 derivation of such words on consumable commodities *not* made in Guam in order to
10 promote and enhance the “Made in Guam” label and experience.

11 The Task Force shall provide policy direction and recommendations relative to
12 coordination, planning, implementation, administration, promotion, compliance and
13 enforcement of the Guam Product Seal Permit program and accompanying
14 administrative rules and regulations.

15 **§ 2203. Convening of the Guam Product Seal Task Force.** The Guam
16 Product Seal Task Force shall be under the direction of the Office of the Lt. Governor
17 and convened pursuant to provisions of this Act.

18 **§ 2204. Composition of Guam Product Seal Task Force.** The
19 composition of the Guam Products Seal Task Force shall be as follows: The
20 Lieutenant Governor of Guam, who shall also serve as the Chairperson; the designated
21 Program Coordinator of the current Guam Product Seal Permit program, from
22 the Department of Revenue and Taxation (DRT), who shall also serve as Vice Chair;
23 and the following Department Directors or their assigned representative from the
24 Customs and Quarantine Agency of Guam (CQA), The Department of Revenue and
25 Taxation (DRT), the Department of *Chamorro* Affairs (DCA), the Guam Visitors

1 Bureau (GVB), the Guam Economic Development Authority (GEDA); the President
2 of the Mayors Council of Guam (MCOG) or its assigned member representative, A
3 representative from the Office of the Attorney General of Guam, designated by the
4 Attorney General, who may appoint himself; two (2) currently licensed holders of the
5 Guam Product Seal appointed by the Governor; a member from the Guam Chamber
6 of Commerce as designated by the Chamber, and two (2) at-large residents from the
7 island community appointed by the Governor.

8 (a) The Task Force may invite additional public and private sector members
9 to serve on sub-committees, provided that they possess significant background,
10 knowledge and experience with locally produced products; and the Task Force may
11 prescribe special procedures for their participation.

12 (b) The Office of the Lt. Governor shall support the administrative needs of
13 the Task Force.

14 **§ 2205. Duties of Task Force.** The Task Force shall work collaboratively
15 to create recommendations that will develop a comprehensive Guam Product Seal
16 Permit Program with the overall goal of enhancing and better promoting products
17 “Made in Guam.”

18 Its function shall include, but are not limited to recommending policy and
19 adoption of a comprehensive Guam Product Seal Program that promotes the Guam
20 brand in products manufactured in Guam or “Made in Guam”. The Task Force shall
21 address the following in its findings and recommendations:

22 (a) Create a Mission statement and objective of the Guam Product Seal
23 Program;

24 (b) the assignment of the administrative functions of the Guam Product Seal
25 (GPS) Program - i.e., which Agency shall have administrative oversight over the

1 Program; the Office of the Lt. Governor may decide to retain administrative functions
2 of the program;

3 (c) address intellectual property rights and concerns relative to the term
4 ‘Guam,’ ‘Chamorro,’ or derivations of either Guam or Chamorro;

5 (d) develop a feasible program funding and continuity plan, a budgetary
6 proposal;

7 (e) evaluate the design of the current GPS label, recommission if necessary;

8 (f) clearly mark the delineation and assignment of the compliance and
9 enforcement responsibilities and authorities of respective regulatory and enforcement
10 agencies relative to provisions in the GPS program; i.e. complaints, investigations
11 and enforcement requirements;

12 (g) identify and record all Guam Product Seal Holders, and businesses that
13 manufacture commodities for sale in the tourism industry;

14 (h) identify incentives and advantages that encourage participation in the
15 program;

16 (i) review the structure of fines and penalties to ensure maximum
17 deterrence for violating the GPS mandate;

18 (j) make appropriate recommendations for legislation to improve the Guam
19 Product Seal Permit Program; recommendations shall include the following:

20 (aa) Address country of origin label concerns;

21 (bb) address the use of the word ‘Guam’ and ‘*Chamorro*’ and
22 derivations of;

23 (cc) develop minimum standards, font size, and location of product
24 origin on consumable goods sold in Guam;

1 (dd) develop retail partnership and community buy-in for Guam
2 products;

3 (ee) propose “Made in Guam” incentives/programs;

4 (ff) strengthen compliance and enforcement schedules and guidelines;

5 (gg) commission an exit survey with the GVB that ask visiting
6 consumers the following, or similarly fashioned question/s:

- 7 • When you purchase souvenir items with the word “Guam”
8 or “*Chamorro*” on the packaging, do you believe that the
9 product was made in Guam?

10 Or,

- 11 • Are you concerned about the country of origin on the labels
12 of perishable food products that have the word “Guam” or
13 “*Chamorro*” on the packaging?

- 14 • Does this affect your decision to purchase the item.

15 (1) Yes

16 (2) No

17 (3) Doesn't matter

18 (k) formulate an updated version of the Guam Product Seal Permit Program.

19 Such plan shall be submitted to *I Liheslaturan Guåhan* no later than sixty (60)
20 calendar days from the date of enactment of this Act, and shall be subject to legislative
21 approval; and

22 (l) perform all functions necessary to effectuate the mission of the Task
23 Force as adopted.

24 **§ 2206. Conduct of Meetings, Quorum.** The Task Force shall meet *no*
25 *less than* every twenty (20) days to discuss and assess progress and recommendations.

1 A simple majority of members of the council shall constitute a quorum to do
2 business; any action taken by the council shall be by a simple majority of the
3 members.

4 **Section 4. Effective Date.** Provisions of this Act shall take effect upon
5 enactment into law. The first meeting of the Guam Product Seal Task Force shall take
6 place no later than twenty (20) days after enactment. If the twentieth (20th) day of the
7 first meeting and subsequent meetings fall on a Saturday, Sunday or a government of
8 Guam holiday, than the first meeting of the Task Force shall take place on the next
9 available business day.

10 **Section 5. Sunset Provision.** The Guam Product Seal Task Force shall
11 remain in effect until the adoption of recommendations of the Guam Product Seal
12 Task Force are approved by *I Liheslaturan Guåhan*.

13 **Section 6. Severability Clause.** If any provisions of this Act or the
14 application thereof to any person or circumstance is held invalid, such validity shall
15 not affect other provisions or applications of the Act which can be given effect
16 without the invalid provision or application, and to this end the provisions of this Act
17 are severable.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 227-31(LS)

As Substituted by the Committee on
Appropriations, Taxation, Public Debt,
Banking, Insurance, Retirement and Land

Introduced by:

Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
B.J. F. Cruz
Rory J. Respicio
A.B. Palacios, Sr.

~~AN ACT TO REPEAL ARTICLE 2 OF CHAPTER 50, TITLE 12,~~
~~GUAM CODE ANNOTATED, AND TO ENACT A NEW ARTICLE 2~~
~~TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED,~~
~~RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM~~
~~PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF~~
~~THE LIEUTENANT GOVERNOR OF GUAM.~~

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that

Guam is marketed as a popular tourist destination, and as a result, tourism is the largest industry in Guam, yet there are few mechanisms available to assure visitors that they are indeed witnessing and receiving an authentic Guam experience. Recent efforts by the Guam Visitors Bureau have focused on the “Branding” of Guam. Currently, the Bureau is in the midst of an on-going branding campaign which incorporates village happenings into the equation of an authentic Guam experience via the “We Are Guam” village initiative. *I Liheslaturan* envisions the incorporation in some form of the “Made in Guam” label with the visitor industry’s branding of Guam. It is obvious and recognized that – a normal part of a traveler’s to-do list is souvenir shopping for self, friends, family and associates. This fact necessitates a need to

1 assure visitors, in fact all consumers that they are purchasing a product that was
2 genuinely made in Guam.

3 In 1986, the 18th Guam Legislature recognized that identification and
4 protectionist measures needed to be instituted to protect products made in Guam, and
5 offer the pride and proof that comes with boasting of an authentic product of Guam.
6 The creation of the Guam Product Seal permit program was intended to address this
7 concern and provide island pride in Guam made products. The enabling legislation
8 that provided for a Guam Product Seal program was contained in Public Law 18-42.

9 Originally established as a Division under the oversight of the Department of
10 Commerce, the Guam Product Seal Law was designed to promote Guam made
11 products so that consumers would be able to readily and easily identify whether the
12 item or goods they had just purchased were manufactured in Guam, or are mass-
13 produced mementos made in foreign lands. Today, the Guam Product Seal mandate is
14 an orphan law, although it exists in form and function.

15 Legislation in 26th Guam Legislature, specifically, Public Law 26-76,
16 transferred the GPS program and its components to the Guam Economic Development
17 Authority. A subsequent Executive Order, EO No. 2002-14, further reassigned the
18 support of the Guam Product Seal Program in its entirety, including its assigned
19 personnel, to the Department of Revenue and Taxation. Consequently, the current
20 construction of the GPS statute, administrative rules and regulations and original
21 intent are lacking in program funding, compliance, enforcement and promotion.

22 It is *I Liheslatura's* intent to reenergize the Guam Product Seal concept and
23 revisit, some twenty-five (25) years later, the mandate and its accompanying
24 administrative rules, in order to provide incentives for permit holders, ensure
25 compliance and enforcement by stakeholders and the retail industry in Guam and to

1 actively engage in the promotion of the Guam brand by emphasizing the
2 distinctiveness of offerings that proudly carry the “Made in Guam” label.

3 *I Liheslaturan Guåhan* finds that this can be accomplished by elevating the
4 program to the highest levels of the government of Guam and raising awareness of the
5 importance of taking pride in items manufactured locally.

6 *I Liheslaturan Guåhan* hereby creates a Task Force on the Guam Product Seal
7 to be chaired by the Office of the Lieutenant Governor of Guam.

8 The composition of the Task Force shall be as follows:

9 (a) The Lt. Governor of Guam, who shall serve as the Chairperson of the
10 Task Force, the Lt. Governor of Guam is the keeper of the Official Seal of Guam,
11 which the GPS logo incorporates components of;

12 (b) The designated Program Coordinator of the current Guam Product Seal
13 Permit program from the Department of Revenue and Taxation (DRT), who shall also
14 serve as Vice Chair or Co-Chair, as this person shall possess institutional knowledge
15 of the GPS program and its components, and is aware of the program’s strengths,
16 deficiencies and full-potential;

17 (c) The Director of the Customs and Quarantine Agency of Guam, or his
18 assigned representative, C&Q serves as the first line of defense in compliance and
19 enforcement;

20 (d) The Director of the Department of Revenue and Taxation (DRT), or his
21 assigned representative, DRT is empowered to collect levies and fines from
22 companies found in violation of the law;

23 (e) The President of the Department of Chamorro Affairs (DCA), or his
24 assigned representative, DCA can offer insight into the uniqueness of the Guam brand
25 and the importance of protecting aspects of the *Chamorro* culture and heritage;

1 (f) The General Manager of the Guam Visitors Bureau (GVB), or his
2 assigned representative, GVB is tasked with promoting the Guam brand in its entirety;

3 (g) The Administrator of the Guam Economic Development Authority
4 (GEDA), or his assigned representative; GEDA offers programs and opportunities for
5 economic development;

6 (h) The President of the Mayors Council of Guam (MCOG) or its assigned
7 member representative; mayors represent the interest of the people and are closely
8 held and highly regarded in all aspects of village happenings;

9 (i) A representative from the Office of the Attorney General of Guam,
10 designated by the Attorney General, who may appoint himself; the AGO can provide
11 guidance on intellectual property rights relative to the Guam brand;

12 (j) Two (2) currently licensed holders of the Guam Product
13 Seal permit appointed by the Governor, GPS permit holders as current practitioners of
14 the Guam Product Seal, are experts in industry;

15 (k) A member from the Guam Chamber of Commerce as designated by the
16 Chamber; the Chamber is a stakeholder that bridges the business community with
17 issues affecting all consumers;

18 (l) ~~Two (2)~~ One (1) at-large residents from the island community appointed
19 by the Governor; public participation and input is a mainstay of governmental
20 processes and operations.

21 (m) A Counselor or Representative of the Small Business Development
22 Center of the School of Business and Public Administration, University of
23 Guam.

24 (n) The Director or his assigned representative of the Department of Public
25 Health and Social Services.

1 **§ 2204. Composition of Guam Product Seal Task Force.** The

2 composition of the Guam Products Seal Task Force shall be as follows: The
3 Lieutenant Governor of Guam, who shall also serve as the Chairperson; the designated
4 Program Coordinator of the current Guam Product Seal Permit program, from
5 the Department of Revenue and Taxation (DRT), who shall also serve as Vice Chair;
6 and the following Department Directors or their assigned representative from the
7 Customs and Quarantine Agency of Guam (CQA), The Department of Revenue and
8 Taxation (DRT), the Department of *Chamorro* Affairs (DCA), the Guam Visitors
9 Bureau (GVB), the Guam Economic Development Authority (GEDA); the President
10 of the Mayors Council of Guam (MCOG) or its assigned member representative, A
11 representative from the Office of the Attorney General of Guam, designated by the
12 Attorney General, who may appoint himself; two (2) currently licensed holders of the
13 Guam Product Seal appointed by the Governor; a member from the Guam Chamber
14 of Commerce as designated by the Chamber, and ~~two (2)~~ one (1) at-
15 large residents from the island community appointed by the Governor; a counselor or
16 representative from the Small Business Development Center of the School of Business
17 and Public Administration, University of Guam, and the Director or his assigned
18 representative of the Department of Public Health and Social Services.

19 **(a)** The Task Force may invite additional public and private sector members
20 to serve on sub-committees, provided that they possess significant background,
21 knowledge and experience with locally produced products; and the Task Force may
22 prescribe special procedures for their participation.

23 **(b)** The Office of the Lt. Governor shall support the administrative needs of
24 the Task Force.

1 **§ 2205. Duties of Task Force.** The Task Force shall work collaboratively
2 to create recommendations that will develop a comprehensive Guam Product Seal
3 Permit Program with the overall goal of enhancing and better promoting products
4 “Made in Guam.”

5 Its function shall include, but are not limited to recommending policy and
6 adoption of a comprehensive Guam Product Seal Program that promotes the Guam
7 brand in products manufactured in Guam or “Made in Guam”. The Task Force shall
8 address the following in its findings and recommendations:

9 (a) Create a Mission statement and objective of the Guam Product Seal
10 Program;

11 (b) the assignment of the administrative functions of the Guam Product Seal
12 (GPS) Program - i.e., which Agency shall have administrative oversight over the
13 Program; the Office of the Lt. Governor may decide to retain administrative functions
14 of the program;

15 (c) address intellectual property rights and concerns relative to the term
16 ‘Guam,’ ‘Chamorro,’ or derivations of either Guam or Chamorro;

17 (d) develop a feasible program funding and continuity plan, a budgetary
18 proposal;

19 (e) evaluate the design of the current GPS label, recommission if necessary;

20 (f) clearly mark the delineation and assignment of the compliance and
21 enforcement responsibilities and authorities of respective regulatory and enforcement
22 agencies relative to provisions in the GPS program; i.e. complaints, investigations
23 and enforcement requirements;

24 (g) identify and record all Guam Product Seal Holders, and businesses that
25 manufacture commodities for sale in the tourism industry;

1 (h) identify incentives and advantages that encourage participation in the
2 program;

3 (i) review the structure of fines and penalties to ensure maximum
4 deterrence for violating the GPS mandate. Visit issues such as asset forfeiture; costs
5 for Additional CQA Cost Recovery (Administrative, Destruction, Storage, etc.);
6 Penalties (Civil and Criminal for Repeat Offenders; Title and transfer of seized
7 property not in compliance with the GPS statute;

8 (j) make appropriate recommendations for legislation to improve the Guam
9 Product Seal Permit Program; recommendations shall include the following:

10 (aa) Address country of origin label concerns;

11 (bb) address the use of the word ‘Guam’ and ‘*Chamorro*’ and
12 derivations of;

13 (cc) develop minimum standards, font size, and location of product
14 origin on consumable goods sold in Guam;

15 (dd) develop retail partnership and community buy-in for Guam
16 products;

17 (ee) propose “Made in Guam” incentives/programs;

18 (ff) strengthen compliance and enforcement schedules and guidelines;

19 (gg) Review the applicability of copyright and intellectual property
20 infringement and trademark violations.

21 ~~(gg) commission an exit survey with the GVB that ask visiting~~
22 ~~consumers the following, or similarly fashioned question/s:~~

- 23 ~~• When you purchase souvenir items with the word “Guam”~~
24 ~~or “Chamorro” on the packaging, do you believe that the~~
25 ~~product was made in Guam?~~

26 Or,

1 • ~~Are you concerned about the country of origin on the labels~~
2 of perishable food products that have the word “Guam” or
3 “*Chamorro*” on the packaging?

4 • ~~Does this affect your decision to purchase the item.~~

5 (1) ~~Yes~~

6 (2) ~~No~~

7 (3) ~~Doesn't matter~~

8 (k) formulate an updated version of the Guam Product Seal Permit Program.
9 Such plan shall be submitted to *I Liheslaturan Guāhan* no later than ~~sixty (60)~~
10 ~~calendar days~~ one hundred and twenty (120) from the date of enactment of this Act,
11 ~~and shall be subject to legislative approval; and~~

12 (l) execute fines for non-compliance of the Guam Product Seal mandates
13 and its accompanying Administrative Rules and Regulations; and

14 (m) perform all functions necessary to effectuate the mission of the Task
15 Force as adopted.

16 § 2206. **Conduct of Meetings, Quorum.** The Task Force shall meet *no*
17 ~~less than every twenty (20)~~ once monthly and as needed to discuss and assess progress
18 and recommendations.

19 A simple majority of members of the council who are present and voting shall
20 constitute a quorum to do business; any action taken by the council shall be by a
21 simple majority of the members.

22 **Section 4. Effective Date.** Provisions of this Act shall take effect upon
23 enactment into law. The first meeting of the Guam Product Seal Task Force shall take
24 place no later than twenty (20) days after enactment. ~~If the twentieth (20th) day of the~~
25 ~~first meeting and subsequent meetings fall on a Saturday, Sunday or a government of~~

1 ~~Guam holiday, than the first meeting of the Task Force shall take place on the next~~
2 ~~available business day.~~

3 **Section 5. Sunset Provision.** The Guam Product Seal Task Force shall
4 remain in effect until the adoption of recommendations of the Guam Product Seal
5 Task Force are approved by *I Liheslaturan Guåhan*. However, the Task Force may be
6 reconvened from time to time subject to the call of the Chairperson of the Task Force
7 as deemed necessary.”

8 **Section 6. Severability Clause.** If any provisions of this Act or the
9 application thereof to any person or circumstance is held invalid, such validity shall
10 not affect other provisions or applications of the Act which can be given effect
11 without the invalid provision or application, and to this end the provisions of this Act
12 are severable.

11



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND
Friday, September 30, 2011

Bill No. 227

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
EDI							
L24							
JAMES CASTRO							
Stephen Scott	215 ROJAS ST 2E HARLOW	648-9694					NO

2



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND

Friday, September 30, 2011

Bill No. 227

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Benjamin Huebner	Suite 2A, 18 th Aspinell Avenue Hagatna, Guam	477-9891	BHUEBER@ ett.guam.lawyers.com		✓	Y	
Ling Chi Huang	576 Pale San Vitores Tamuning	483-6689					
Lee Pablo	Primo 274 Tara	474-3811					
Lee S. Suelo	Chula Pop	688-8288			✓	N	

3



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND**

Friday, September 30, 2011

Bill No. 227

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Frances Bradley		969-1520				Y	
Phil Tydings	AGO						

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND**

Friday, September 30, 2011

Bill No. 227

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
<i>Denise Mendisla - Hartslet</i>		<i>4827325</i>	<i>denise@profzible.com</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Yes</i>



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To Whom It May Concern

September 30, 2011

Subject: Guam Product Seal

My name is Toshie Ito, a native Japanese woman who has lived on Guam since 1987. I have my own business called Motiva Training & Consulting. I conduct management and employee training for my clients and consult my business owners. I also handle customer surveys and consumer research to help my clients' business blossom and maximize the potential.

I would like to testify as a concerned Guam resident to share my thought about Guam Product Seal. I am not here to attack nor discriminate any company or individual but in hopes that what I have to share may help those who are trying to succeed in business and create rewarding customer experiences.

In 2007 a series of product recalls and import bans were imposed by the product safety institutions of the United States, Canada, Japan, the European Union, Australia and New Zealand against products manufactured in and exported from the mainland of the People's Republic of China because of numerous alleged consumer safety issues. There have been incidents involving food safety in China including the unconventional use of pesticides or other dangerous chemical additives as food preservatives or additives and the use of unhygienic starting materials as food ingredients.

Perhaps you have read or heard reports regarding unsafe food products being manufactured in China but allow me to name some examples:

2002: diet pills

2003: Frozen eel

2004: Milk for infants, dried noodle, pickles, liquor, soy sauce

2005: Fresh eel, red coloring agent that is banned, diet pills

2006: Medication, student lunch packs, flounder, vegetables, mushroom

2007: frying oil used at KFC, instant noodle, shu pao, pet food, tooth paste, cough syrup

2008-2009: frozen Gyoza (dumpling), frozen pork cutlet, steamed bread w/ condiments, chicken, powered milk, frozen green beans, chicken eggs, chicken meat

2010: Recycled cooking oil, milk, rice, pork, steamed bread

These food products have caused illnesses and death among adults and malnutrition among infants. Because of the increased number of incidents, Japanese media started to do their own research in China while the Japanese government was investigating the cases. Back in 2008 and 2009, TV, newspaper and online news covered on an almost daily basis how unsafe some of the Chinese food products are and that Chinese government is failing to ensure the safety of such products.

*

**GIFTS : Guam Importers for Free Trade Sustainability
says "NO" to Bills 226-31 and 227-31**

TESTIMONY

Good Morning

Senator _____ Chairman of the _____ Committee

Senators _____, _____, _____ (acknowledge all senators present)

My name is Edi Alvarez, General Manager for Suncare Distributors, a wholesale company established and doing business in Guam for the past 20 years. I am also the spokesperson today for Guam Importers for Free Trade Sustainability or GIFTS –a committee comprised of representatives from the wholesale, retail and tourist industry.

Over the past several months our group has been meeting to discuss the impact of these bills should they become law. We believe Bills 226-31 and 227-31 will be detrimental to our island because Guam's fragile tourist industry drives our economy and any changes in the industry which causes a change in visitor spending habits will affect the revenue coming into our island. This is revenue we cannot afford to lose especially during these difficult times.

We appeal to you to not pass Bill 226-31: an Act to amend the current Guam Product Seal law. This bill would make it unlawful for anyone to sell a consumable product, not manufactured on Guam, that has the word "Guam" or "Chamorro" or any derivatives of such words, unless the the country of origin is clearly indicated by the words "Made in ...followed by country of origin, and is printed in front of the packaging, directly below the words "Guam" or "Chamorro", or its derivatives, in letters of equal text not less than half the size of the words "Guam" or "Chamorro".

This is a bad idea. For over 25 years , products bearing the Guam" label has provided billions of advertising dollar value to the island at no cost to the government to entice tourists to visit Guam and enjoy our island. We have paid millions in tax dollars that have been generated through the purchase of these consumable goods. This amendment would blur the line between our island and the product's origin. Through this amendment you would take away Guam's identity! These graphics would now showcase Guam as a subculture of another country, thereby damaging the identity of Guam as an independent entity. This is how it would look...

Guam would be made in Malaysia! Guam would be made in the Philippines. Guam would be made in Thailand and China. Imagine the message this Bill's impact will make to how Guam is being promoted. If the intent of Bill 226-31 is to increase transparency and accountability for the origin of the consumable products bearing the name Guam, this same spirit of integrity and transparency already exists in the current law. Thus, the proposed change is not only costly and harmful to the people of Guam , but the potential of damaging the island's image, culture and self –identity would increase as well.

The current statutes(Title 4 and Title 12) which established the Guam Product Seal and designed the mechanisms for its use are good laws and have sufficed for over 25 years. The spirit of the law in giving prestige to the Guam Product Seal are clearly presented. Before permits are issued, strict requirements must be met and penalties for abuse are indicated. Due diligence on the part of our local Customs agency is on-going. Our group will attest to the fact that our shipments are regularly inspected to ensure compliance with the current law. During the April 11th Roundtable, Customs officials testified that importers are following the current law by indicating the "origin" of the products. Their testimony, which reported that the illegal use of the Guam Product Seal by importers was not a problem, refuted allegations of abuse.

Senators, we respect the Guam Product Seal and its intent to distinguish those products bearing it. The Guam Product Seal is good for the island and there is a definite niche in the market for local products that have this seal.

The concept of destination packaging is a marketing strategy that exists not only on Guam but worldwide. This kind of marketing brings in millions of dollars in revenue by promoting the tour location imprinted on a souvenir or gift item. As in Guam's case, it does not matter that these goods are products of Australia, Belgium, China, Germany, Hawaii, Indonesia, Japan, Malaysia, the Philippines, Thailand and even the good old USA, our visitors obviously enjoy the wide range of products and price points as evidenced in the revenue generated from the sale of such goods. On Guam, the amount of imported destination packaged products significantly outnumbers the amount of locally produced goods.

This past July, Q-Mark Research conducted exit surveys for GVB and determined that tourists spent an average of 33% - 40% of their On-Island Expenditures on Gifts and Souvenirs for themselves, companions, friends and families. The risk of reducing the supply of destination packaged goods with no means to replace the loss would hurt our visitor's ability to purchase souvenirs. Guam will experience a shortage of goods because local manufacturers are unable to fill the demand. Less supply equals less revenues. In addition, the existence of destination packaged goods and its effect on our economy is not limited to the tourist industry. Guam's economist, Gary Hiles recently stated that "the impact to Government of Guam revenues is increasingly being felt as the industries associated with the visitor sector comprise a major component of the economy"

Bill 226-31 will create a disastrous domino effect which will lead to reduced demand. If the demand is not there the personnel hired to meet or service that demand will no longer be needed. Companies will reduce workforce in order to stay in business. This reduction will occur across the board affecting all industries involved in the importation of destination packaged consumable products as well as those industries directly or indirectly involved in the tourist industry. Personally our company would reduce our workforce of 30 by 65-70 percent because these products comprise 65-70 percent of our business. That's about 20 people who will be left jobless. Freight companies will see a reduction in the demand for import freight services. The same collapse will occur for trucking companies who transport and deliver these goods to various locations around the island. The reduction in the amount of fees collected for port and airport usage, inspections, taxes and fuel surcharge will affect budget projections and result in businesses making up the difference elsewhere. In the end we who make Guam our home will feel this increase in the cost of goods, services fuel, etc... Without replacement revenue to off-set what is lost, the overall cost of living will increase. Please do not pass Bill 226-31.

We also ask you to please not pass Bill 227-31 and reconsider this effort to re-write a law that is already working and has been successfully working for over 25 years. This Bill calls for a Task Force to do all functions inherent in the current law as well as make our struggling government larger. The Department of Revenue and Taxation is responsible for administering the current law. If discrepancies exist, We appeal to you to please allow them to continue to do their job and improve on their operations as they see fit through coordination and interagency agreements.

There is a Guam Product Seal law. Previous testimony affirms that importers have been following the law as it applies to us. To our knowledge there has not been an increase in complaints from our tourists of feeling cheated such that they will never visit our island nor that the island has suffered continuous negative publicity from our Destination packaging.

We believe we have all followed the law and will continue to do so. Risking tax dollars, jobs and a domino effect of negative results to change a law that has been working for over 25 years is not necessary.

Senators, we live on a beautiful, but small island. Our dwindling tourist numbers are a harsh reality that we all must deal with. The revenue generated by imported Guam destination packaged goods contributes significantly to our economy. Senator B.J. Cruz stated an important fact during the September 8th Special Session when he said, “We are right now, barely able to make ends meet. Any amount lost and we are really up a creek”.

Please do not pass Bills 226-31 and 227-31.

THANK YOU ...

September 28, 2011

Honorable Vicente C. Pangelinan
Chairman, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land
I Mina Trentai Unu Na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

Subject: Favorable Testimony – Bill No. 226-31 (LS)

Hafa Adai yan Buenas, Senator Pangelinan!

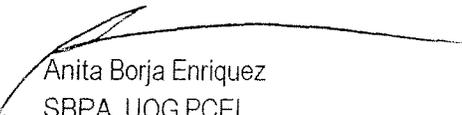
As an advocate of building a strong Guam small business community, I submit this written testimony in favor of Bill 226-31(LS), "An act to amend 50207(C) of Article 2, Division 2, of Title 12 GCA requiring a country of origin label relative to the Guam Product Seal Permit Program."

Opponents to the Guam Product Seal Permit Program argue that it has a protectionist effect to free source of trade. In an import-dependent jurisdiction such as Guam, a small manufacturing base has the disadvantage of smaller economies of scale and a need for protection as an infant industry until such time that it can build its base of a level-playing field in the international supply market. Support of Bill 226-31(LS) will ensure that the local industry of Guam manufacturers who possess the Guam Product Seal is not disadvantaged by virtue of lacking the same level of scale economies of production enjoyed by larger foreign competitors. Furthermore, the protection of Guam's relatively smaller producers who are registered Guam Product Seal permit holders supports this special sector of the small business community that keeps dollars circulating within the island's economy.

Bill No. 226-31(LS) will help to strengthen the Guam Product Seal Permit Program's intent to promote Guam-manufactured or produced goods. The Program supports and augments Guam's branding initiative for providing authentic goods that bear the "Guam" name and are clearly labeled as a product made in Guam. The current law leaves ambiguity on the definition of "clearly label where the product was made," enabling foreign producers to mark country of origin in relatively fine print not readily visible on these respective foreign-produced Guam-labeled consumables. This, coupled with the *absence of an enforcement and compliance arm*, contributes to the disincentive to become a registered permit holder of the Guam Product Seal. Current permit holders do not enjoy the differential advantage as an authentic Guam-manufactured product, given the apparent free rein of large retailers who flood their shelves with cheaper foreign-made non-U.S. standards compliant comparable goods that have been allowed to bear the "Guam" name. In effect, this deceives Guam's largest retail consumer-based (tourist) market to believe that "Guam"-labeled consumables and other merchandise foreign-made are authentic to Guam.

Guam's local production industry must be protected. With your support of Bill 226-31 (LS), you will be instrumental in helping small businesses within this special industry sustain themselves and grow long-term as positive contributors to Guam's economy. Should you have any questions, please do not hesitate to contact me at either 735-2520 or abe@uguam.uog.edu.

Senseramente



Anita Borja Enriquez
SBPA, UOG PCEI
UOG Station, Mangilao, GU 96923

September 30, 2011

Testimony on:

Bill No. 226-31 (LS): An Act to Amend 50207(C) of Article 2, Division 2, of Title 12 Guam Code Annotated requiring a country of origin label relative to the Guam Product Seal Permit Program.

Bill No. 227-31 (LS): An Act to *Repeal* Article 2 of Chapter 50, Title 12, Guam Code Annotated, and to *Enact* a new Article 2 to Chapter 2, Title 5, Guam Code Annotated, Relative to establishing a Task Force on the Guam Product Seal under the auspices of the Office of the Lieutenant Governor of Guam.

Dear Senators,

A decade ago, there existed about 60 manufacturing companies on Guam. Today, there are less than a dozen. Since the closing of GovGuam's Department of Commerce, there has been an ambiguity of which department is responsible for investigating and enforcing the law and imposing fines on those individuals or companies who violate the Guam Product Seal.

It is an understatement to say that we have been financially affected by this unfair competition and uneven "playing field." Unfair or deceptive business practices strongly affect commerce on Guam. Anticompetitive practices may lead to price controls and diminished individual initiative. These results, in turn, cause the market to stagnate and depress economic growth.

Public law # PL 18-42, Title 4 was created to protect local manufacturers from unscrupulous importers of counterfeit "Guam" products. This is a significant piece of legislation for the following important reasons:

Protection of consumer purchasing decisions - Private purchasing decisions are taken away from consumers when they are duped by the unscrupulous companies who disguise or mislead as to their products' true origin. This violates "consumers' rights to receive information and hinders the informed exercise of consumer choice." Corrective actions become necessary to protect consumers under the Guam Product Seal law.

Protection of Guam's local manufacturers against Guam branded products from unfair competition. The intent was also to create an environment that encourages the formation and growth of new Guam manufacturing companies.

Local manufacturers hire locally. They provide jobs and train their employees. They purchase many of their raw materials locally. Competing with other Guam manufacturers is a healthy aspect of business. But having to compete with foreign-made products, who promote themselves as products of Guam, is unfair and diminishes entrepreneurial initiative.

Protection of Guam's tourism market by insuring that the "Guam" brand is not misused, thereby, sullyng the reputation of Guam and Guam products. These foreign-produced Guam products are not subject to any of the safety and health inspections (local or federal) to which local manufacturers must adhere. There have already been cases of contamination of foreign food products, labeled as Guam products.

If labeling, advertising or marketing contains a representation or omission of fact that is likely to mislead consumers acting reasonably to believe that it is a "Guam-made, Guam U.S.A.-made, Chamorro-made, or locally-made product, then it is deceptive.

It is long overdue to amend the law to protect against unfair business practices. The concentration of power has remained in the hands of a few unscrupulous companies. These companies have used loopholes and ambiguity to deceive consumers. The creation of a Committee to continually review and make recommendations based on the current state of a dynamic economy will help to ensure updated laws and enforcement. The Committee will be effective in ensuring that business practices do not injure consumers, do not violate established public policy, and protect against unethical or unscrupulous practices.

It is my wish to leave you with this thought: the People of Guam are asking you, as is your duty, to protect consumers as well as competitors and help to create laws that will clearly define and determine whether business practices are within the letter of the spirit of the Guam Product Seal law.

Sincerely,

Denise R. Selk
Coco-Jo's
Proprietor



Senator Vicente “Ben” C. Pangelinan
Chairman

Committee on Appropriations, Taxation, Public Debt,
Banking, Insurance, Retirement and Land

Re: Testimony on Bill 226-31

Dear Senator Pangelinan:

On behalf of DFS Guam L.P. (“DFS”), I submit the following testimony on Bill 226-31.

As you know, DFS is one of the largest sellers of merchandise to tourists and travelers in the world. DFS for many years was one of the largest employers in Guam in terms of the numbers of employees. We probably still are. DFS is a strong supporter of the Guam Visitors Bureau and its various destination marketing initiatives. We are strong supporters of the intent that motivated the enactment of the Guam Product Seal law. We have dutifully sought to comply fully with all the requirements of the Guam Product Seal law and the administrative regulations that were promulgated to implement it.

That all being said, DFS opposes Bill 226-21. We believe it is unnecessary and it would be harmful to all businesses associated with the selling and distribution of consumable products on the island.



If enacted, Bill 226-21 would implement even more stringent labeling requirements for “consumable products” sold by us. Currently, DFS sells chocolate candies, cookies and other consumable products at our downtown and airport stores. Many of these products bear the name “Guam” or pictures of places in Guam. Our customers like to purchase these products as mementos of their visits to Guam or as gifts for their friends and relatives back home. In many, if not most, cases, they are more interested in the packaging than the product itself.

The labeling of our products complies with all current Guam requirements. They *already* all bear labels clearly stating the country or place of origin, as required by 12 GCA 50207(c) and 4 GAR 1205(b)(1). The latter regulation specifically requires that any product marked with or bearing the word “Guam,” the name of any place in Guam, the word “Chamorro”, or any derivation of such names or word unless the country of origin of the product, preceded by the words “Made in,” “Product of” or other words of similar meaning, is marked legibly and in a conspicuous place on the product or the package in which it is sold to the customer.

The labeling that would be required by Bill 226 would go even further and require that these words be included on the packaging on the front of the package, directly under the word “Guam” or “Chamorro” in the same font size, as well as on the back in accordance with “standard labeling practices.”



Thus, in addition to the “standard” label on the back, the front of a package of cookies would have to be labeled:

GUAM COOKIES
MADE IN HAWAII

DFS believes very strongly such labeling would discourage or put off potential customers. As a consequence, we would very likely reduce our consumable product offerings. This would result in lower sales and lower business privilege taxes being paid by our company to the Government of Guam. We believe all other businesses in Guam catering to the tourist market would face the same problems.

In short, our products already are required to have and do have labels disclosing their countries of origin. Bill 226 is not needed.

DFS Guam LP

Brent Ehrenreich
Operations and Control Director

A handwritten signature in cursive script, appearing to read 'Brent Ehrenreich'.

Like many of my friends and relatives, I, too, stopped buying food and drink products made or produced in China. Last year alone, so many babies were killed from milk products that contained melamine. The government tried to confiscate all of it but only 124 tons of it. The rest had been resold to unknown buyers before the officials started to make a move. The system is not working to stop the harm.

Japanese shoppers DO pay attention to food labels -- where the product is made and when it was made. When Japanese consumers stopped buying products from China, so many importers that dealt with Chinese food items went bankrupt. If you go to Japanese supermarkets, they place sign "made in Japan" and "produced in Japan" on gyoza, snacks, vege, etc. to ensure the safety for shoppers. Often times I spot shoppers asking supermarket attendants where the food is made when they cannot find specific information on the label.

Japanese tourists in particular buys items for souvenir. If and when they find out later that the items they had bought on Guam was actually made in China, it will be most disappointing, embarrassing and upsetting. How can they give such souvenir to their friends and family, knowing that the item may not be safe to be consumed.

We, as Guam's business owners, don't we owe not only to tourist consumers but to all local customers and visitors the utmost safety of products we provide in our market?

Sincerely,

Toshie Ito

A handwritten signature in cursive script, appearing to read "Toshie Ito".

John Calvo
425 Chalan San Antonio, PMB 423, Tamuning, Guam 96913
649-3150

Guam, Guahan, Chamorro, Chamoru and all other terms within the Chamorro language (i.e. "Hafa Adai," etc.) must be used for the benefit of the island and its people.

When I go on trips, I always try to promote Guam and invite people to visit our island. This includes bringing items with me for cultural exchange opportunities. During one of my trips, I picked up a few items with "Guam" on them for sharing. The packaging was nice and the items looked good. When I gave the first item, the recipient thanked me for the dried mango from the Philippines. While I love the Philippines and my Filipino friends, this was embarrassing. I enjoy dried mango from the Philippines and in retrospect would have still brought it and given it to people who would have been happy to receive "Philippine Dried Mango."

For decades, our island has gone through an identity crisis. We have been referred to as a military base and have been the brunt of jokes on late night television and the movie screen. We have sat idly by while the military and its personnel joke about our island and spoke of "owning" Guam and doing what they wish here. Today, there are people pushing the military buildup in the name of economic development. I support the military buildup, but not without conditions that they be a better citizens and respect our culture, our people and our island. The military has yet to take responsibility for the military dumpsites outside the base boundaries amongst a myriad of other issues. We should be no less compromising when it comes to the usage of our brand names.

We are fortunate that we have proximity of location and beautiful natural resources that are big pluses in the tourism industry. In our Tumon Bay natural resource we have pushed our own local people out in the name of conservation, yet allow tourists to trample and hotels to compromise the very resource that is to be protected. The hotels have encroached on the 30-foot from high water mark public easement to deter local traffic, and have even cordoned off the water in areas to limit public access. These issues have been reported, but selective enforcement continues. The Government of Guam North & Central Land Use Plan even put most of the coastline of Tamuning-Tumon for "resort" development without regard to the local population that lives there. We have done much in the name of tourism. What have we done for our own people, for the perpetuation of our culture and our intellectual/cultural properties?

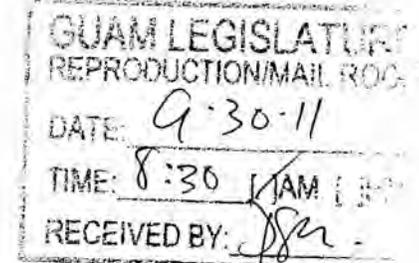
We have a tourism industry that receives qualifying certificates with a requirement to promote the Chamorro culture and have respect of our local laws; yet, Polynesian shows continue to predominate and our laws ignored. If we are to develop our cultural performances and Guam brand, we need to have a solid commitment from our tourism industry to develop the Guam brand, and not only when it is convenient. The exit surveys for decades revealed that our tourists want to see more local culture, yet the promotions of the Polynesian shows prevail. I thoroughly enjoy such shows, but we should be focusing our efforts on developing the Guam brand when presenting to our visitors. My friends in Hawaii always thank me for Guam's promotion of the Hawaii product and have told me that once tourists have seen the Polynesian shows on Guam, tourists then go to Hawaii for the "REAL" thing. A few years back, I heard that an off island consultant was paid about \$400K to interpret the exit survey, and noted that the tourists want to see more local culture. Why is it that our leaders continue to look to outside people for guidance on local issues when the answer is so obvious? Do we not have local expertise? If not, what have we done to build local capacity? Why do we condone the "Guam" label on imported product? We should not condone the counterfeiting and misuse of our brand names. Are we so



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

September 30, 2011

THE HONORABLE JUDITH P. GUTHERTZ, DPA
Chair, Committee on the Guam Military Buildup and Homeland Security
I Mina' Trenta Na Liheslaturan Guahan
Suite 301, 155 Hesler St.
Hagåtña, Guam 96910



RE: Bill No. 226-31 (LS) - relative to requiring a country of origin label relative the Guam Product Seal Program; and Bill No. 227-31 (LS) - relative to establishing a task force on the Guam Product Seal Program

Dear Madam Chair,

Thank you for the opportunity to present our comments on Bill No. 226-31 (LS) and Bill No. 227-31 (LS) seeking to improve and strengthen the Guam Product Seal Program. We fully support these goals.

Nevertheless, we are opposed to Bill No. 226-31 (LS) that will require a country of origin label on the front of all products that use the words 'Guam' or 'Chamorro' on their product or packaging. This is a complex matter that demands further input from the many businesses and interested parties that may be affected by the bill if passed into law.

We therefore support Bill No. 227-31 (LS) as an appropriate alternative to Bill No. 226-31 (LS) and its as yet unforeseen consequences. The establishment of a task force that brings together all interested parties, including representation from the Guam Chamber of Commerce, and also invites participation from the community, we believe is the best way to move forward on this issue. We intend to fully support and participate in the proposed task force. In this manner, all suggestions can be considered, findings can be reported, and comprehensive recommendations can be developed for appropriate legislation to improve and provide additional administrative and marketing support to the Guam Product Seal Program without adversely affecting established businesses operating in Guam who pay taxes and contribute to the overall well-being of the economy.

Thank you for this opportunity to bring the concerns of the members of the Guam Chamber of Commerce to your attention. We look forward to working with your Committee and participating in any further discussions on this issue.

Senseramente,

DAVID P. LEDDY
President



DIPĀTTAMENTON I KAOHAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS



Edward J.B. Calvo
 Governor of Guam

Joseph Artero-Cameron
 President, DCA

Raymond S. Tenorio
 Lieutenant Governor of Guam

September 28, 2011

The Honorable Vicente Cabrera Pangelinan
 Chairman
 Committee on Appropriations, Taxation,
 Public Debt, Banking, Insurance, Retirement, and Land
 31st Guam Legislature

Håfa Adai Senator Pangelinan,

This is in response to your request to provide testimony on the following bills:

Bill No. 226-31 – The current law of Hawaii addresses their product seal comprehensively. I strongly recommend that Guam mirror Hawaii’s state law. As the President of the Department of Chamorro Affairs, I strongly advocate the perpetuation of businesses to be labeled right here on Guam providing Guam products.

Bill NO. 227-31 – It is appropriate that it remain with the Lieutenant Governor given his office is the “Keeper of the Seal”.

Joseph Artero-Cameron
 President, Department of Chamorro Affairs



attachment

“Department of Chamorro Affairs is an Equal Opportunity Provider and Employer”

Approved by the Governor

on JUN 1 2009

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 080
S.B. NO. 1223
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO HAWAII MADE PRODUCTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 486-1, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Craft item" means any consumer commodity that is not an
5 agricultural commodity or a perishable consumer commodity that
6 is manufactured, assembled, fabricated, or produced by an
7 individual working alone or a small group of individuals working
8 collaboratively and that is produced by hand or by using simple
9 tools. Craft item does not include a consumer commodity that is
10 mass-produced or an item that is merely assembled from two or
11 more mass-produced consumer commodities.

12 "Perishable consumer commodity" means any article, product,
13 good, or agricultural commodity of any kind that is customarily
14 produced or distributed for sale through mercantile or retail
15 sales outlets; is intended for consumption as food or use by
16 individuals for the purposes of personal care or in the
17 performance of services ordinarily rendered in or about the



1 household or in connection with personal possessions; and is
2 intended to have a limited shelf life. "Perishable consumer
3 commodity" includes, but is not limited to, baked goods, dairy
4 products, cut or dried flowers, coffee, candy, cookies, jam,
5 jelly, juices, oils, nuts, or similar products."

6 SECTION 2. Section 486-119, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~[+]§486-119[+]~~ Hawaii-made products[-]; Hawaii-processed
9 products. (a) No person shall keep, offer, display ~~[øæ]~~,
10 expose for sale, or solicit for the sale of any item, product,
11 souvenir, or any other merchandise ~~[whieh]~~ that is labeled
12 ~~["Made in Hawaii"]~~ "made in Hawaii" or ~~[whieh]~~ that by any other
13 means misrepresents the origin of the item as being from any
14 place within the State, ~~[whieh]~~ or uses the phrase "made in
15 Hawaii" as an advertising or media tool for any craft item that
16 has not been manufactured, assembled, fabricated, or produced
17 within the State and ~~[whieh]~~ that has not had at least fifty-one
18 per cent of its wholesale value added by manufacture, assembly,
19 fabrication, or production within the State.

20 (b) Subsection (a) notwithstanding, no person shall keep,
21 offer, display, expose for sale, or solicit the sale of any
22 perishable consumer commodity that is labeled "made in Hawaii",



1 "produced in Hawaii", or "processed in Hawaii" or that by any
2 other means represents the origin of the perishable consumer
3 commodity as being from any place within the State, or use the
4 phrase "made in Hawaii", "produced in Hawaii", or "processed in
5 Hawaii" as an advertising or media tool for any perishable
6 consumer commodity, unless the perishable consumer commodity is
7 wholly or partially manufactured, processed, or produced within
8 the State from raw materials that originate from inside or
9 outside the State and at least fifty-one per cent of the
10 wholesale value of the perishable consumer commodity is added by
11 manufacture, processing, or production within the State."

12 SECTION 3. The chair of the board of agriculture shall
13 convene a working group composed of:

- 14 (1) A representative of the department of business,
15 economic development, and tourism;
- 16 (2) Representatives of native Hawaiian artisans;
- 17 (3) Representatives of artisan and handcrafter guilds or
18 collectives such as Creations of Hawaii and the Made
19 in Hawaii Festival;
- 20 (5) Retail merchants of handcrafted goods;
- 21 (6) A representative of Hawaii Farm Bureau Federation;



1 (7) A representative of Hawaii Food Manufacturers
2 Association; and

3 (8) A representative of Hawaii Food Industry Association.

4 The purpose of the working group shall be to identify labeling
5 issues relating to the Hawaii-made products law and to propose
6 workable solutions, including solutions for enforcement.

7 The working group shall submit a report of its findings to
8 the legislature no later than twenty days prior to the convening
9 of the 2010 regular session.

10 SECTION 4. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 2009.

APPROVED this 1 day of JUN, 2009


GOVERNOR OF THE STATE OF HAWAII



GOV. MSG. NO. 697

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

June 1, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 1, 2009, the following bill was signed into law:

SB1223 SD1 HD2 CD1

A BILL FOR AN ACT
RELATING TO HAWAII MADE PRODUCTS.
ACT 080 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

STANLEY C. WILSON
CERTIFIED PUBLIC ACCOUNTANT

142 EAST MALATE STREET
MONGMONG, GUAM 96910

TELEPHONE: (671) 477-7440
FAX: (671) 477-7441
CELL PHONE: (671) 687-7440
E-MAIL: scw@teleguam.net

June 30, 2011

Hand Delivered

Mr. Mike Unsiog
Department of Revenue and Taxation
Barrigada, Guam 96921

Dear Mr. Unsiog:

I am writing to you because I understand that you might be the individual with enforcement authority for "Guam Product Seal" violations. Please consider this letter an official complaint for violations of the "Guam Product Seal" program. I hope that you will accept this complaint and take immediate action to correct a situation that I believe is outrageous.

I just returned from shopping for some souvenirs to give to some off-island visitors. I was looking for some "local" products to give and purchased seven items in three different stores, which I am enclosing with this letter, along with the receipts for the purchases. I do not want to give these items to my visitors because while they are labeled like they are Guam products they are actually made in China, Thailand, and the Philippines.

Here are the details of what I purchased, each item is numbered and the receipts also have the corresponding numbers:

K-Mart: Item #1, "Guam" cookies made in China, actually not labeled made in China but only "Packaged" in China. The package is misleading and gives the impression that the cookies are actually made in Guam, which is not true. This item is distributed by Suncare Distributors. Item #2, "Guam" Roasted Coconut Chips, made in Thailand. But you can only know that they are from Thailand if you know that Kanchanaburi is a town in Thailand. I know this because I have visited this town, the site of "The Bridge Over the River Kwai". The phrase "Product of Thailand" is so small that it is almost invisible on the label. This item is distributed by Fine Line.

STANLEY C. WILSON
CERTIFIED PUBLIC ACCOUNTANT

Mr. Mike Unsiog

2.

June 30, 2011

JP Superstore: Item #3, "Guam" Chocolate Covered Macadamia Nuts, the package in small print indicates that the nuts are from Australia, the chocolate is Belgium, and in very small print it indicates that the product is "Packaged in China". This item is distributed by Islandstyle Confectionery. Item #4, "Guam Premium Chocolate", in small print on the back of the item it indicates that it is a "Product of China". This item is distributed by Guam Premium Chocolates. Item #5, "Guam USA Dried Mangoes". Besides the misleading label there is a statement on the back of the package that says, "Guam's #1 Dried Mangoes". This is labeled on the back of the product that it is a product of Cebu, Philippines. This item is distributed by Suncare Distributors. Item #6, "Guam USA Banana Chips", Besides the misleading label there is a statement on the back of the package that says, "Guam's #1 Banana Chips". This is labeled on the back of the product that it is a product of Cebu, Philippines. This item is distributed by Suncare Distributors.

ABC Stores: Item #7, "7D Dried Mangoes". This item has bold writing on the front of the package. "Guam U.S.A." but indicates in small print on the back of the package that it is manufactured in the Philippines. This product is distributed by Genpro International, Inc.

I did notice during my shopping that there are many other items in the stores that I visited that seem to be similarly mislabeled and deceptive. I hope that you will include in your work all similar violations of the Guam Product Seal program. I am not sure what authority you may have but I would believe that the best solution would be the immediate removal of all of these items, and items of a similar nature, from all retail store shelves on Guam. While I personally spent \$18.35 for these items I would assume that the volume for these non-conforming products is quite large.

I can only imagine the great disappointment and bad feelings these products create when our tourists return home and find out that the "Guam" souvenirs they purchased for their friends, family, and co-workers are not actually made in Guam, but instead are made in China, Thailand, and the Philippines. Further, to allow cheap products produced from outside of Guam to be sold as "Guam" products places local manufactures at a great economic disadvantage.

STANLEY C. WILSON
CERTIFIED PUBLIC ACCOUNTANT

Mr. Mike Unsiog

3.

June 30, 2011

Please let me know if you need any follow up from me regarding this matter.

Very truly yours,

Stanley C. Wilson

Enclosures as stated.



September 12, 2011

Honorable Vicente (Ben) Pangelinan
Senator
I Mina'Trentai Unu Na Liheslatura Guahan
324 West Soledad Avenue
Hagåtña, Guam 96910

Hafa Adai Senator Pangelinan!

I want to express my sincere thanks and appreciation for allowing the Guam Visitors Bureau to submit testimony for Bill No. 226-31 requiring a country of origin label relative to the Guam Product Seal Program and Bill No. 227-31 establishing a Guam Product Seal Task Force under the Lieutenant Governor of Guam.

As General Manager of GVB, I express support for both measures.

The Guam Visitors Bureau is mandated to promote Guam as a premier U.S. destination in the Asia Pacific region. Because of this responsibility, GVB knows the value and importance of representation and making good on the promises we make of who we are and what we as a people and island have to offer. In 2009 the GVB established the Guam Brand and embarked on the "We Are Guam" initiative to build support for our culture and our people.

We are Guam and we are known for our Hafa Adai spirit. This spirit is the very essence of our brand promise. Visiting our island promises to be an experience that is uniquely Guam, one that cannot be found anywhere else.

Products made on Guam are an extension of that brand promise. These products bearing the Product Seal authenticates its manufacturing and are taken home by visitors as a reminder of their time here. It is important to maintain that promise from beginning to end and to leverage these products as an invitation for them and their families to return.

(continued on the next page)



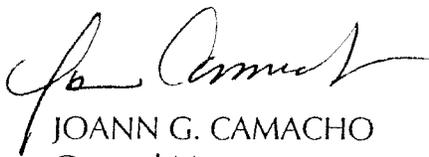
I offer two suggestions for *I Liheslatura's* consideration on Bill No. 227-31.

1. This bill mandates that the Task Force meets ever twenty (20) days at a minimum, and offer a new plan for the administration of the Guam Product Seal Program on or before sixty (60) days of this bill's passage into law. In my experience, planning is crucial to the success of a program. I ask *I Liheslatura* to extend this requirement to a minimum of one hundred (100) days to allow the task force ample time to submit a comprehensive proposal for your contemplation.
2. Section 2205 (j) subsection (gg) requires the Task Force to work with GVB on commissioning an exit survey asking specific questions relative to purchasing products utilizing "Guam" and/or "Chamorro" on its packaging. There already exists an exit survey conducted by the GVB and to commission a new survey would prove too costly. We offer the following language to replace what is currently in the bill for the aforementioned section:

(gg) Work with the GVB to develop questions relative to purchasing products utilizing "Guam" and/or "Chamorro" on its packaging for inclusion into GVB's existing exit surveys.

Again, Un Dangkulo na si Yu'os Ma'ase and thank you for the opportunity to present this testimony.

Senseramente,



JOANN G. CAMACHO
General Manager

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 10, 2011

31-11-1031
Office of the Speaker
Judith T. Won *Ph.D.*, Ed. D.
10/13/11
Date _____
Time 3:32 PM
Received by _____

Honorable Judith P. Guthertz, DPA
Chairperson, Committee on the Guam Military Buildup and Homeland Security
31st Guam Legislature
Suite 301
155 Hessler St.
Hagatna, Guam 96910



Hafa Adai Senator Guthertz,

I hereby submit testimony for Bill 226-31(LS) and Bill 227-31(LS).

These bills are well-intentioned to promote products manufactured locally and address the Guam Product Seal (GPS) Permit program's supposed inadequacies; however, I believe Guam should instead encourage internal improvements rather than reworking existing laws. Guam's economy is not well, in fact it's suffering, evidenced by the deteriorating cash flow to the government and a growing unemployment rate, last pegged at over 13 percent. Requiring businesses to embark on still more cumbersome and expensive mandates without consideration by the Legislature is counter productive and will cost our people jobs and lost revenue. These bills will have an unintended but clearly anticipated result of hurting our local economy further and eat away at our tax base.

These bills envision a GPS Task Force as function of the Executive Branch. The legislature's role is to derive its function and empower it to carryout functions, such as policy decisions, under the wisdom of its members and Chairperson. Therefore, I recommend amending several sections in both bills. For example, businesses are required to follow existing Federal laws governing standard labeling practices for all products, whether imported or manufactured on Guam, so redundancy is unnecessary. All suggestions are intended to allow the GPS Task Force, if enacted, to carryout their role with adequate time to conduct meetings, administer thorough planning, and develop rules and regulations relative to the policies of the GPS Permit program. I also recommend providing local distributors, retailers and manufacturers more time to dispose of, or sell, their current inventory and/or alter their packaging to meet the requirements. My recommendations are as follows:

Bill 226-31(LS):

- Combine sections (aa) and (cc) to read **"Any use of the word 'Guam' or 'Chamorro,' or a derivation of such words on consumable commodities; if such product was not manufactured**

in Guam or if the product is not a registered commodity under the Guam Product Seal Permit Program, shall have the phrase, “Made in...,” followed by country of origin; clearly labeled on any offering. E.g. “Made in U.S.A.”, “Made in China”, “Made in Philippines”, etc.; and the origin of the product shall also be included in the back or side of the packaging in conformance with standard labeling practices.”

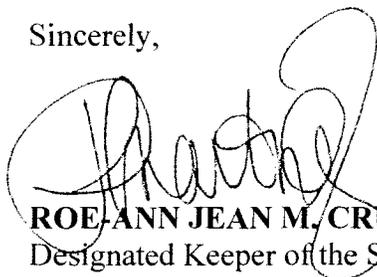
- Delete section (bb).
- Add definitions for “consumable commodities” and “standard labeling practices”.
 - “Consumable Commodities” means food products.
 - “Standard Labeling Practices” means the most current rules and regulations that have been established by the United States Food and Drug Administration relative to General Food Labeling Requirements.
- Amend “Effective Date” to read “This Act shall take effect “1 year” after the enactment into law with exceptions as contained in sub items (a)(b) of this section.”

Bill 227-31(LS):

- Amend “Duties of the Task Force” to extend timeline to “120 days” for more thorough discussions.
- Add to “Duties of the Task Force” the ability to “revoke permits for non-compliance and execute fines.”
- Amend “Conduct of Meeting, Quorum” to “meet as needed” and quorum to do business shall be established by a simple majority of the members “who are present and voting.”
- Delete from “Duties of the Task Force” “commission an exit survey with GVB.”
- Delete from “Duties of the Task Force” the provision “shall be subject to legislative approval” to ensure Executive Branch functions remain and Legislative Branch actions do not violate separation of powers.
- Delete from “Effective Date” The GPS Task Force shall remain in effect until the adoption of recommendations of the GPS Task Force “are approved by the Legislature.”
- Add to “Effective Date” “the GPS Task Force may be reconvened, from time to time, at the call of the Chairperson of the Task Force as deemed necessary.”
- Add definition for “substantial transformation” to Article 2, Chapter 50, 12GCA.
 - “Substantial Transformation” means the product has been manufactured or enhanced into a new or different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

If you have any questions or concerns please feel free to contact me by phone at 475-9384 or through email at roeann.cruz@guam.gov. Thank you for your time and consideration on this matter.

Sincerely,



ROE-ANN JEAN M. CRUZ

Designated Keeper of the Seal, Project Coordinator
Office of the Lieutenant Governor

CC: ALL SENATORS

Bureau of Budget & Management Research
Fiscal Note of Bill No. 227-31(LS)

AN ACT TO REPEAL ARTICLE 2 OF CHAPTER 50, TITLE 12, GUAM CODE ANNOTATED, AND TO ENACT A NEW ARTICLE 2 TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF THE LIEUTENANT GOVERNOR OF GUAM.

Department/Agency Appropriation Information	
Dept./Agency Affected: Office of I Maga'lahaen & I Segundu Na Maga'lahaen Guahaen	Dept./Agency Head: Governor Eddie Baza Calvo & Lt. Governor Ray S. Tenorio
Department's General Fund (GF) appropriation(s) to date:	5,815,256
Department's Other Fund (Specify) appropriation(s) to date:	388,103
Total Department/Agency Appropriation(s) to date:	\$6,203,359

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$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 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	1/	1/	1/	1/	1/	1/
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ 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? \$ _____ / / N/A
- Does the Bill establish a new program/agency? /x/ Yes / / No
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ 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: <i>Orilda J. Guerrero</i> Orilda J. Guerrero	Date: <i>6/17/11</i>	Director: <i>Bonita A. Manglona</i> Bonita A. Manglona, Director	Date: <i>6/17/11</i>
--	----------------------	---	----------------------

Footnotes:
 1/ The proposed legislation seeks to create a Task Force on the 'Guam Product Seal' Program which shall be under the direction of the Office of the Lt. Governor who shall also serve as the Chairperson. The Task Force shall provide policy direction and recommendations relative to coordination, planning, administration, implementation and enforcement of the program. In its current form, it may have an impact as the provisions indicate administrative functions of the Program and to develop funding, continuity plan and a budgetary proposal. However, such costs cannot be determined absent information on the extent of such administrative support (i.e. personnel, supplies, etc.).



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

7 JUN 12 15
Wm

June 6, 2011

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Ducnas

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 226-31 (LS) and 227-31 (LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 226-31(LS) and 227-31 (LS).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(1) Attachments

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

June 3, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
226-31 (LS)	J.P. Guthertz, DPA, Sam Mabini, Ph.D., B. J.F Cruz, R.J.Respicio, A.B. Palacios, Sr.	AN ACT TO AMEND 50207(C) OF ARTICLE 2, DIVISION 2, OF TITLE 12 GUAM CODE ANNOTATED REQUIRING A COUNTRY OF ORIGIN LABEL RELATIVE TO THE GUAM PRODUCT SEAL PERMIT PROGRAM.	6/03/11 3:29 p.m.	6/6/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			
227-31 (LS)	J.P. Guthertz, DPA, Sam Mabini, Ph.D., B. J.F Cruz, R.J.Respicio, A.B. Palacios, Sr.	AN ACT TO <i>REPEAL</i> ARTICLE 2 OF CHAPTER 50, TITLE 12, GUAM CODE ANNOTATED, AND TO <i>ENACT</i> A NEW ARTICLE 2 TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF THE LIEUTENANT GOVERNOR OF GUAM.	6/03/11 3:29 p.m	6/6/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



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- Calvo (19)
- campaign 2010 (3)
- CMTF (1)
- DC-Conf Trip
- Democrat Speech
- Dos Amantes
- Farmer's Coop
- Faxes
- Faxes 31GL
- Fundraiser 2010
- FY11 Comm Rpts
- GDP
- GEDA
- Grants (242)
- Messages Comm
- Messages Comm 3...
- Military Buildup (2)
- NCSL Fall Seminar
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NYT Global Home - Facebook's New Strategy to Turn Eyeballs Into Influence - 2

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Public Hearing - FIRST Notice



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Hafa Adai,
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing beginning at 8:30am and 2:00pm on Friday, September 30, 2011. The agenda is as follows:

**INEKUNGOK PUPBLEKO
 (PUBLIC HEARING)**

*gi Betnes, gi diha 30 gi Septembre, 2011
 (Friday, September 30, 2011)*

**Kuátton Inekungok Pupbleko gi i Liheslaturan Guáhan
 (Guam Legislature Public Hearing Room)**

**TAREHA
 (AGENDA)**

*alas ocho i media gi egga'an
 (8:30 AM)*

**Priniponi Siha
 (Bills)**

Bill No. 279-31 (COR): An Act to Amend 11 GCA §§26403, 26404, 26203(K)(21) and 26504; To Add §26403.1 and §26403.2 to 11 GCA Chapter 26; To Amend 10 GCA Chapter 45; To Add §40105.1 to 5 GCA Chapter 40; To Amend 10 GCA §67105.1; To Add §77135 to 10 GCA Chapter 77; To Add §72109 to 10 GCA Chapter 72, Relative to Eliminating the Tax Exemption on Liquid Fuel Transshipped through Guam, and to Appropriate Revenues to the Guam Environmental Protection Agency, Mayors Council of Guam, Office of Veterans Affairs, Guam Police Department and Guam Fire Department.

Bill No. 226-31 (LS): An Act to Amend 50207(C) of Article 2, Division 2, of Title 12 Guam Code Annotated requiring a country of origin label relative to the Guam Product Seal Permit Program.

Bill No. 227-31 (LS): An Act to Repeal Article 2 of Chapter 50, Title 12, Guam Code Annotated, and to Enact a new Article 2 to Chapter 2, Title 5, Guam Code Annotated, Relative to establishing a Task Force on the Guam Product Seal under the auspices of the Office of the Lieutenant Governor of Guam.

Bill No. 191- 31 (LS): The Youth Educational Training Cultural Enhancement and Sports Opportunities Act, An Act to add a new Sub-Item (G) to §26603(d)(1) of Chapter 26 of Title 11 Guam Code Annotated; to Amend §§85110 and 85111 and add a new §§85111.1 and 85112.1 to Chapter 85 of Title 5 of the Guam Code Annotated; and to amend §77124 of Chapter 77 of Title 21 of the Guam Code Annotated; relative to the Off-Island Educational Training and Cultural Enhancement Fund and the Sports Fund for Off-Island Travel and to establish a mentoring and leadership program for the prevention and cessation of alcohol, tobacco and drugs for recipients of such funds.

Bill No. 203-31 (COR) An Act to amend §61542 of Chapter 61, Title 21 Guam Code Annotated, Relative to Campaign Signs

**Komfitmasion Siha:
 (Confirmation Hearing)**

Mr. Oscar A. Calvo, Member, Chamorro Land Trust Commission
 Mr. David J. Matanane, Member, Chamorro Land Trust Commission
 Mr. John Ray Taitano, II, Member, Alcoholic Beverage Control Board
 Mr. John A. Rios, Director, Bureau of Budget and Management Research

**TAREHA
 (AGENDA)**

*alas dos gi despues di talo'ani
 (2:00 PM)*

**Priniponi Siha
 (Bill)**

Chat

- Lisa Cipollone
 Set status here ▾
- ☎ Call phone
- Adam Be...
- Ariana Vil...
- Elaine Ta...
- Scott Me...
- Please leave a messa...
- Selina O...
- Stephani...
- Anjelica...
- Artemio...
- Chris Bu...
- olivia

Bill No. 297-31 (LS): An Act to rezone Lot No. 3257-4-R2, in the Municipality of Sinajana, from Agriculture (A) to Commercial (C) zone.

alas dos I media gi despues di talo'ani
(2:30 PM)

Bill No. 206-31 (COR): An Act to add a new Subsection (e) to §80105 of Chapter 80, Title 21 Guam Code Annotated relative to transfer properties under the jurisdiction of Guam Community College to the jurisdiction of the Guam Ancestral Lands Commission.

alas kuátro gi despues di talo'ani
(4:00 PM)

Resolution
(Resolution)

Resolution No. 171-31 (COR): Relative to petitioning the United States Congress to pass H.R. 1490 and S. 791 which will amend the Radiation Exposure Compensation Act of 1990 to include Guam and to improve and increase compensation for those affected by ionizing radiation.

Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi www.guamlegislature.com. Yanggen para un na 'hálom testigu-mu, chule' para i ifisinan-mámi gi 324 West Soledad Avenue gi iya Hagátña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagátña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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As of Oct. 17, 2011

aguon4guam@gmail.com
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**INEKUNGOK PUPBLEKO
 (PUBLIC HEARING)**

*gi Betnes, gi diha 30 gi Septembre, 2011
 (Friday, September 30, 2011)*

*Kuáttion Inekungok Pupbleko gi l Lihesaturan Guáhan
 (Guam Legislature Public Hearing Room)*

**TAREHA
 (AGENDA)**

*alas ocho i media gi egga'an
 (8:30 AM)*

**Priniponi Siha
 (Bills)**

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(Confirmation Hearing)**

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Mr. David J. Matanane, Member, Chamorro Land Trust Commission
Mr. John Ray Taitano, II, Member, Alcoholic Beverage Control Board
Mr. John A. Rios, Director, Bureau of Budget and Management Research

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(AGENDA)**

alas dos gi despues di talo'ani
(2:00 PM)

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alas dos I media gi despues di talo'ani
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alas kuattro gi despues di talo'ani
(4:00 PM)

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Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guâhan gi www.guamlegislature.com. Yanggen para un na'hâlom testigu-mu, chule' para i ifisinan-mâmi gi 324 West Soledad Avenue gi iya Hagâtnia, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagâtnia.

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c pangelinan
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 (Friday, September 30, 2011)*

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(4:00 PM)

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edpocaique@judiwonpat.com Sep 28 (4 days ago)
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Yes. We have a resolution from CNMI. We also sent to Palau Consulate, FSM Consulate and also Presidents of the other islands.

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Hi Tanya,
I talked with the Deputy Director at DPW, Carl Dominguez and Joann is currently off-island, but is pretty sure she will send submit testimony on Friday or when she returns. I sent him the invitation to provide testimony and a copy of the bill.

I also talked with Maria Pangelinan and also sent her an invitation and copy of the bill. She said GEC pretty much stays neutral on any legislative issues unless it directly affects them.

FYI, I also sent the invitation and copies of the bill to the Republican and Democrat Party Chairs. We always send invitations to Gov, AG, Chamber and OPA.

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Yes, we sent invitations to the House and Senate.

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Okay. Thanks

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Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi www.guamlegislature.com. Yanggen para un na 'hálom testigu-mu, chufe' para i ifisinan-mámi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuaatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapási nu i fendon gubetnamento.

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Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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IRERUNGOK PUPBLEKO
 (PUBLIC HEARING)

gi Betues, gi dña 30 gi Septiembre, 2011
 (Friday, September 30, 2011)

Kuánton Irerungok Pupleko gi l lhasiaturan Guánton
 (Guam Legislature Public Hearing Room)

TAREHA
 (AGENDA)

alas ocho i media gi egga'an
 (8:30 AM)

Priniponi Siha
 (Bills)

Bill No. 279-31 (COR): An Act to Amend 11 GCA 526403, 26404, 26203(K)(21) and 26504; To Add 526403.1 and 526403.2 to 11 GCA Chapter 26; To Amend 10 GCA Chapter 45; To Add 540105.1 to 5 GCA Chapter 40; To Amend 10 GCA 567105.1; To Add 577135 to 10 GCA Chapter 77; To Add 572109 to 10 GCA Chapter 72, Relative to Eliminating the Tax Exemption on Liquid Fuel Transshipped through Guam, and to Appropriate Revenues to the Guam Environmental Protection Agency, Mayors Council of Guam, Office of Veterans Affairs, Guam Police Department and Guam Fire Department.

Bill No. 226-31 (LS): An Act to Amend 50207(C) of Article 2, Division 2, of Title 12 Guam Code Annotated requiring a country of origin label relative to the Guam Product Seal Permit Program.

Bill No. 227-31 (LS): An Act to Repeal Article 2 of Chapter 50, Title 12, Guam Code Annotated, and to Enact a new Article 2 to Chapter 2, Title 5, Guam Code Annotated, Relative to establishing a Task Force on the Guam Product Seal under the auspices of the Office of the Lieutenant Governor of Guam.

Bill No. 191-31 (LS): The Youth Educational Training Cultural Enhancement and Sports Opportunities Act; An Act to add a new Sub-Item (G) to 526603(d)(1) of Chapter 26 of Title 11 Guam Code Annotated; to Amend 5585110 and 85111 and add a new 5585111.1 and 85112.1 to Chapter 85 of Title 5 of the Guam Code Annotated; and to amend 577124 of Chapter 77 of Title 21 of the Guam Code Annotated; relative to the Off-Island Educational Training and Cultural Enhancement Fund and the Sports Fund for Off-Island Travel and to establish a mentoring and leadership program for the prevention and cessation of alcohol, tobacco and drugs for recipients of such funds.

Bill No. 203-31 (COR): An Act to amend 561542 of Chapter 61, Title 21 Guam Code Annotated, Relative to Campaign Signs.

Konfirmasion Siha:
 (Confirmation Hearing)

Mr. Oscar A. Cahw, Member, Chamorro Land Trust Commission
 Mr. David J. Matanane, Member, Chamorro Land Trust Commission
 Mr. John Ray Taitano, II, Member, Alcoholic Beverage Control Board
 Mr. John A. Rios, Director, Bureau of Budget and Management Research

TAREHA
 (AGENDA)

alas dos gi despues di tala'ani
 (2:00 PM)

Priniponi Siha
 (Bills)

Bill No. 297-31 (LS): An Act to rezone Lot No. 3257-4-R2, in the Municipality of Sinajana, from Agriculture (A) to Commercial (C) zone.

alas dos i media gi despues di tala'ani
 (2:30 PM)

Bill No. 206-31 (COR): An Act to add a new Subsection (e), 580105 of Chapter 60, Title 21 Guam Code Annotated relative to transfer properties under the jurisdiction of Guam Community College to the jurisdiction of the Guam Ancestral Lands Commission.

alas kuatro gi despues di tala'ani
 (4:00 PM)

Resolusion
 (Resolution)

Resolution No. 171-31 (COR): Relative to petitioning United States Congress to pass H.R. 3490 and S. 791 which amend the Radiation Exposure Compensation Act of 1990 include Guam and to improve and increase compensation those affected by ionizing radiation.

Yanngon un abisita espehit na sebbhon, pet labot agong i lista Senado Vicente (ben) Cabrera Panggelinan gi 473-4236/7. Yanngon pibisita kuaplan i priniponi siha ginen este na tareha, bilhon gi i wep i l lhasiaturan Guánton gi www.guamlegislature.com. Yanngon parti na bilhon testigo-ami, chisik' gani i lhasiaturan gi 324 West Side Avenue gi lya Hagåtña, pat guanto gi i Kuánton Kaitia gi i lhasiaturan pat faks gi 473-4238, patisno inel gi senben@guam.net. Este outisio inapáhi na i fondon gubernamento 473-4238, or via email senben@guam.net.

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WEDNESDAY, SEPTEMBER 28, 2011 - MARIANAS VARIETY GUAM EDITION

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INEKINGOK PUPBLEKO
(PUBLIC HEARING)

gi Betnes, gi dha 30 gi Septiembre, 2011
 (Friday, September 30, 2011)

Kuráton Inekingok Pupbleko gi I Lihestaturan Gudhan
 (Guam Legislature Public Hearing Room)

TAREHA
(AGENDA)

atas ocho i media gi egga'on
 (8:30 AM)

Priniponi Siba
(BILLS)

HR No. 279-31 (COR): An Act to Amend 11 GCA §§5-403, 26-404, 26-2003(a), 27 and 26-504; To Add §§5-403 and §26-404 to 11 GCA Chapter 25; To Amend 10 GCA Chapter 45; To Add §40-105.1 to 5 GCA Chapter 40; To Amend 10 GCA §§ 105.1; To Add § 77-105.1 to 10 GCA Chapter 77; To Add § 72-109 to 10 GCA Chapter 72. Relative to Electrocuting the Tax Exemption on Liquid Fuel Transhipped through Guam, and to Appropriate Personnel to the Guam Environmental Protection Agency, Mayor's Council of Guam, Office of Veterans Affairs, Guam Police Department and Guam Fire Department.

HR No. 225-31 (LS): An Act to Amend 502(b)(3) of Article 2, Division 2, of Title 12, Guam Code Annotated requiring a country of origin label relative to the Guam Product Seal Permit Program.

HR No. 227-31 (LS): An Act to Amend Article 2 of Chapter 50, Title 12, Guam Code Annotated, and to Enact a new Article 2 to Chapter 2, Title 5, Guam Code Annotated, Relative to establishing a Task Force on the Guam Product Seal under the auspices of the Office of the Lieutenant Governor of Guam.

HR No. 391-31 (LS): The Youth Educational Training Cultural Enhancement and Sports Opportunities Act: An Act to add a new Sub-Item (a) to §2600(d)(1) of Chapter 26 of Title 11 Guam Code Annotated; to Amend §50510 and §5111 and add a new §50511 and §51011 to Chapter 85 of Title 5 of the Guam Code Annotated; and to amend §77024 of Chapter 77 of Title 21 of the Guam Code Annotated, relative to the Off-Island Educational Training and Cultural Enhancement Fund and the Sports Fund for Off-Island Travel and to establish a mentoring and leadership program for the prevention and cessation of alcohol, tobacco and drugs for residents of such lands.

HR No. 203-31 (COR): An Act to amend §515-42 of Chapter 61, Title 21 Guam Code Annotated, Relative to Campaign Signs.

Konfirmasion Siba
(Confirmation Hearing)

Mr. Oscar A. Celso, Member, Guaman Land Trust Commission
 Mr. David J. Matamoros, Member, Guaman Land Trust Commission
 Mr. John Ray Yarbano, II, Member, Alcoholic Beverage Control Board
 Mr. John A. Rice, Director, Bureau of Budget and Management Research

TAREHA
(AGENDA)

atas das gi despasa di balorai
 (2:00 PM)

Priniponi Siba
(BILLS)

HR No. 297-31 (LS): An Act to rezone Lot No. 3251-4-R2, in the Municipality of Saipan, from Agriculture (A) to Commercial (C) zone.

atas das i media gi despasa di balorai
 (2:30 PM)

HR No. 206-31 (COR): An Act to add a new Subsection (a) to §80105 of Chapter 80, Title 21 Guam Code Annotated relative to trustee powers under the jurisdiction of Guam Community College to the jurisdiction of the Guam Ancestral Lands Commission.

atas balorai gi despasa di balorai
 (4:00 PM)

Resolusion
(Resolution)

Resolution No. 171-31 (COR): Relative to petitioning the United States Congress to pass H.R. 490 and S. 791 which will amend the Radiation Exposure Compensation Act of 1990 to include Guam and to improve and increase compensation for those affected by ionizing radiation.

Wanggen un nienta espesit na setebion, put labot aging i Reiner Sinacot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Wanggen un nienta koplan i priniponi siba ginen este na tareha, balorai gi i ueponi i Lihestaturan Gudhan gi <http://www.guamlegislature.com>. Wanggen para un nientaon festigo-ma, chie' para i Reiner Sinacot gi 324 West Soledad Avenue gi Iya Haglita, pok-guato gi i Kuráton Katin gi I Lihestaturan, put taks gi 473-4236, balorai imai gi senbenp@guam.net. Este na nientaon ineped na i Reiner Sinacot Vicente.

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**I Mina'Trentai Unu Na
Lihselaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com**

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Betnes, gi diha 30 gi Septembre, 2011
(Friday, September 30, 2011)***

***Kuátton Inekungok Pupbleko gi I Lihselaturan Guahan
(Guam Legislature Public Hearing Room)***

**TAREHA
(AGENDA)**

***alas ocho i media gi egga'an
(8:30 AM)***

**Priniponi Siha
(Bills)**

Bill No. 279-31 (COR): An Act to Amend 11 GCA §§26403, 26404, 26203(K)(21) and 26504; To Add §26403.1 and §26403.2 to 11 GCA Chapter 26; To Amend 10 GCA Chapter 45; To Add §40105.1 to 5 GCA Chapter 40; To Amend 10 GCA §67105.1; To Add §77135 to 10 GCA Chapter 77; To Add §72109 to 10 GCA Chapter 72, Relative to Eliminating the Tax Exemption on Liquid Fuel Transshipped through Guam, and to Appropriate Revenues to the Guam Environmental Protection Agency, Mayors Council of Guam, Office of Veterans Affairs, Guam Police Department and Guam Fire Department.

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Bill No. 203-31 (COR): An Act to amend §61542 of Chapter 61, Title 21 Guam Code Annotated, Relative to Campaign Signs.

Komfitmasion Siha:
(Confirmation Hearing)

Mr. Oscar A. Calvo, Member, Chamorro Land Trust Commission
Mr. David J. Matanane, Member, Chamorro Land Trust Commission
Mr. John Ray Taitano, II, Member, Alcoholic Beverage Control Board
Mr. John A. Rios, Director, Bureau of Budget and Management Research

TAREHA
(AGENDA)

alas dos gi despues di talo'ani
(2:00 PM)

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(Bill)

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(2:30 PM)

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alas kuâtro gi despues di talo'ani
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(Resolution)

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**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session**

Bill No. 227-31 (45)

Introduced by:

Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
B.J.F. Cruz
F. B. ...

AN ACT TO REPEAL ARTICLE 2 OF CHAPTER 50, TITLE 12, GUAM CODE ANNOTATED, AND TO ENACT A NEW ARTICLE 2 TO CHAPTER 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A TASK FORCE ON THE GUAM PRODUCT SEAL UNDER THE AUSPICES OF THE OFFICE OF THE LIEUTENANT GOVERNOR OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslatura* finds that
3 Guam is marketed as a popular tourist destination, and as a result tourism is the largest
4 industry in Guam, yet there are few mechanisms available to assure visitors that they
5 are indeed witnessing and receiving an authentic Guam experience. Recent efforts by
6 the Guam Visitors Bureau have focused on the “Branding” of Guam. Currently, the
7 Bureau is in the midst of an on-going branding campaign which incorporates village
8 happenings into the equation of an authentic Guam experience via the “We Are
9 Guam” village initiative. *I Liheslaturan* envisions the incorporation in some form of
10 the “Made in Guam” label with the visitor industry’s branding of Guam. It is obvious
11 and recognized that – a normal part of a traveler’s to-do list is souvenir shopping for
12 self, friends, family and associates. This fact necessitates a need to assure visitors, in
13 fact all consumers that they are purchasing a product that was genuinely made in
14 Guam.

1 In 1986, the 18th Guam Legislature recognized that identification and
2 protectionist measures needed to be instituted to protect products made in Guam, and
3 offer the pride and proof that comes with boasting of an authentic product of Guam.
4 The creation of the Guam Product Seal permit program was intended to address this
5 concern and provide island pride in Guam made products. The enabling legislation
6 that provided for a Guam Product Seal program was contained in Public Law 18-42.

7 Originally established as a Division under the oversight of the Department of
8 Commerce, the Guam Product Seal Law was designed to promote Guam made
9 products so that consumers would be able to readily and easily identify whether the
10 item or goods they had just purchased were manufactured in Guam, or are mass-
11 produced mementos made in foreign lands. Today, the Guam Product Seal mandate is
12 an orphan law, although it exists in form and function.

13 Legislation in 26th Guam Legislature, specifically, Public Law 26-76,
14 transferred the GPS program and its components to the Guam Economic Development
15 Authority. A subsequent Executive Order, EO No. 2002-14, further reassigned the
16 support of the Guam Product Seal Program in its entirety, including its assigned
17 personnel, to the Department of Revenue and Taxation. Consequently, the current
18 construction of the GPS statute, administrative rules and regulations and original
19 intent are lacking in program funding, compliance, enforcement and promotion.

20 It is *I Liheslatura's* intent to reenergize the Guam Product Seal concept and
21 revisit, some twenty-five (25) years later, the mandate and its accompanying
22 administrative rules, in order to provide incentives for permit holders, ensure
23 compliance and enforcement by stakeholders and the retail industry in Guam and to
24 actively engage in the promotion of the Guam brand by emphasizing the
25 distinctiveness of offerings that proudly carry the "Made in Guam" label.

1 *I Liheslaturan Guåhan* finds that this can be accomplished by elevating the
2 program to the highest levels of the government of Guam and raising awareness of the
3 importance of taking pride in items manufactured locally.

4 *I Liheslaturan Guåhan* hereby creates a Task Force on the Guam Product Seal
5 to be chaired by the Office of the Lieutenant Governor of Guam.

6 The composition of the Task Force shall be as follows:

7 (a) The Lt. Governor of Guam, who shall serve as the Chairperson of the
8 Task Force, the Lt. Governor of Guam is the keeper of the Official Seal of Guam,
9 which the GPS logo incorporates components of;

10 (b) The designated Program Coordinator of the current Guam Product Seal
11 Permit program from the Department of Revenue and Taxation (DRT), who shall also
12 serve as Vice Chair or Co-Chair, as this person shall possesses institutional knowledge
13 of the GPS program and its components, and is aware of the program’s strengths,
14 deficiencies and full-potential;

15 (c) The Director of the Customs and Quarantine Agency of Guam, or his
16 assigned representative, C&Q serves as the first line of defense in compliance and
17 enforcement;

18 (d) The Director of the Department of Revenue and Taxation (DRT), or his
19 assigned representative, DRT is empowered to collect levies and fines from
20 companies found in violation of the law;

21 (e) The President of the Department of Chamorro Affairs (DCA), or his
22 assigned representative, DCA can offer insight into the uniqueness of the Guam brand
23 and the importance of protecting aspects of the *Chamorro* culture and heritage;

24 (f) The General Manager of the Guam Visitors Bureau (GVB), or his
25 assigned representative, GVB is tasked with promoting the Guam brand in its entirety;

1 (g) The Administrator of the Guam Economic Development Authority
2 (GEDA), or his assigned representative; GEDA offers programs and opportunities for
3 economic development;

4 (h) The President of the Mayors Council of Guam (MCOG) or its assigned
5 member representative; mayors represent the interest of the people and are closely
6 held and highly regarded in all aspects of village happenings;

7 (i) A representative from the Office of the Attorney General of Guam,
8 designated by the Attorney General, who may appoint himself; the AGO can provide
9 guidance on intellectual property rights relative to the Guam brand;

10 (j) Two (2) currently licensed holders of the Guam Product
11 Seal permit appointed by the Governor, GPS permit holders as current practitioners of
12 the Guam Product Seal, are experts in industry;

13 (k) A member from the Guam Chamber of Commerce as designated by the
14 Chamber; the Chamber is a stakeholder that bridges the business community with
15 issues affecting all consumers;

16 (l) Two (2) at-large residents from the island community appointed
17 by the Governor; public participation and input is a mainstay of governmental
18 processes and operations.

19 **Section 2.** A new Article 2 is hereby *added* to Chapter 2 of Title 5 Guam
20 Code Annotated to read:

21 “Article 2, Chapter 2

22 The Guam Product Seal Task Force Act

23 **§ 2201** Short Title.

24 **§ 2202.** Guam Product Seal Task Force, established.

25 **§ 2203.** Convening of the Guam Product Seal Task Force.

1 **§ 2204.** Composition of Guam Product Seal Task Force.

2 **§ 2205.** Duties of Task Force.

3 **§ 2206.** Conduct of Meetings.

4 **§ 2201. Short Title.** This Chapter shall be known as *The Guam*
5 *Product Seal Task Force Act.*

6 **§ 2202. Guam Product Seal Task Force, established.** The Guam
7 Product Seal Task Force is established for the special purpose of protecting the Guam
8 brand by restricting and or limiting the use of the word “Guam” or “*Chamorro*” or a
9 derivation of such words on consumable commodities *not* made in Guam in order to
10 promote and enhance the “Made in Guam” label and experience.

11 The Task Force shall provide policy direction and recommendations relative to
12 coordination, planning, implementation, administration, promotion, compliance and
13 enforcement of the Guam Product Seal Permit program and accompanying
14 administrative rules and regulations.

15 **§ 2203. Convening of the Guam Product Seal Task Force.** The Guam
16 Product Seal Task Force shall be under the direction of the Office of the Lt. Governor
17 and convened pursuant to provisions of this Act.

18 **§ 2204. Composition of Guam Product Seal Task Force.** The
19 composition of the Guam Products Seal Task Force shall be as follows: The
20 Lieutenant Governor of Guam, who shall also serve as the Chairperson; the designated
21 Program Coordinator of the current Guam Product Seal Permit program, from
22 the Department of Revenue and Taxation (DRT), who shall also serve as Vice Chair;
23 and the following Department Directors or their assigned representative from the
24 Customs and Quarantine Agency of Guam (CQA), The Department of Revenue and
25 Taxation (DRT), the Department of *Chamorro* Affairs (DCA), the Guam Visitors

1 Bureau (GVB), the Guam Economic Development Authority (GEDA); the President
2 of the Mayors Council of Guam (MCOG) or its assigned member representative, A
3 representative from the Office of the Attorney General of Guam, designated by the
4 Attorney General, who may appoint himself; two (2) currently licensed holders of the
5 Guam Product Seal appointed by the Governor; a member from the Guam Chamber
6 of Commerce as designated by the Chamber, and two (2) at-large residents from the
7 island community appointed by the Governor.

8 (a) The Task Force may invite additional public and private sector members
9 to serve on sub-committees, provided that they possess significant background,
10 knowledge and experience with locally produced products; and the Task Force may
11 prescribe special procedures for their participation.

12 (b) The Office of the Lt. Governor shall support the administrative needs of
13 the Task Force.

14 § 2205. **Duties of Task Force.** The Task Force shall work collaboratively
15 to create recommendations that will develop a comprehensive Guam Product Seal
16 Permit Program with the overall goal of enhancing and better promoting products
17 “Made in Guam.”

18 Its function shall include, but are not limited to recommending policy and
19 adoption of a comprehensive Guam Product Seal Program that promotes the Guam
20 brand in products manufactured in Guam or “Made in Guam”. The Task Force shall
21 address the following in its findings and recommendations:

22 (a) Create a Mission statement and objective of the Guam Product Seal
23 Program;

24 (b) the assignment of the administrative functions of the Guam Product Seal
25 (GPS) Program - i.e., which Agency shall have administrative oversight over the

1 Program; the Office of the Lt. Governor may decide to retain administrative functions
2 of the program;

3 (c) address intellectual property rights and concerns relative to the term
4 ‘Guam,’ ‘Chamorro,’ or derivations of either Guam or Chamorro;

5 (d) develop a feasible program funding and continuity plan, a budgetary
6 proposal;

7 (e) evaluate the design of the current GPS label, recommission if necessary;

8 (f) clearly mark the delineation and assignment of the compliance and
9 enforcement responsibilities and authorities of respective regulatory and enforcement
10 agencies relative to provisions in the GPS program; i.e. complaints, investigations
11 and enforcement requirements;

12 (g) identify and record all Guam Product Seal Holders, and businesses that
13 manufacture commodities for sale in the tourism industry;

14 (h) identify incentives and advantages that encourage participation in the
15 program;

16 (i) review the structure of fines and penalties to ensure maximum
17 deterrence for violating the GPS mandate;

18 (j) make appropriate recommendations for legislation to improve the Guam
19 Product Seal Permit Program; recommendations shall include the following:

20 (aa) Address country of origin label concerns;

21 (bb) address the use of the word ‘Guam’ and ‘*Chamorro*’ and
22 derivations of;

23 (cc) develop minimum standards, font size, and location of product
24 origin on consumable goods sold in Guam;

1 (dd) develop retail partnership and community buy-in for Guam
2 products;

3 (ee) propose “Made in Guam” incentives/programs;

4 (ff) strengthen compliance and enforcement schedules and guidelines;

5 (gg) commission an exit survey with the GVB that ask visiting
6 consumers the following, or similarly fashioned question/s:

- 7 • When you purchase souvenir items with the word “Guam”
8 or “*Chamorro*” on the packaging, do you believe that the
9 product was made in Guam?

10 Or,

- 11 • Are you concerned about the country of origin on the labels
12 of perishable food products that have the word “Guam” or
13 “*Chamorro*” on the packaging?

- 14 • Does this affect your decision to purchase the item.

15 (1) Yes

16 (2) No

17 (3) Doesn’t matter

18 (k) formulate an updated version of the Guam Product Seal Permit Program.
19 Such plan shall be submitted to *I Liheslaturan Guåhan* no later than sixty (60)
20 calendar days from the date of enactment of this Act, and shall be subject to legislative
21 approval; and

22 (l) perform all functions necessary to effectuate the mission of the Task
23 Force as adopted.

24 **§ 2206. Conduct of Meetings, Quorum.** The Task Force shall meet *no*
25 *less than* every twenty (20) days to discuss and assess progress and recommendations.

1 A simple majority of members of the council shall constitute a quorum to do
2 business; any action taken by the council shall be by a simple majority of the
3 members.

4 **Section 4. Effective Date.** Provisions of this Act shall take effect upon
5 enactment into law. The first meeting of the Guam Product Seal Task Force shall take
6 place no later than twenty (20) days after enactment. If the twentieth (20th) day of the
7 first meeting and subsequent meetings fall on a Saturday, Sunday or a government of
8 Guam holiday, then the first meeting of the Task Force shall take place on the next
9 available business day.

10 **Section 5. Sunset Provision.** The Guam Product Seal Task Force shall
11 remain in effect until the adoption of recommendations of the Guam Product Seal
12 Task Force are approved by *I Liheslaturan Guåhan*.

13 **Section 6. Severability Clause.** If any provisions of this Act or the
14 application thereof to any person or circumstance is held invalid, such validity shall
15 not affect other provisions or applications of the Act which can be given effect
16 without the invalid provision or application, and to this end the provisions of this Act
17 are severable.