

*I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2016 (SECOND) REGULAR SESSION

Resolution No. 418 -33 (COR)

Introduced by:

Rory J. Respicio 

RELATIVE TO REGISTERING THE SUPPORT OF  
MINA TRENTAI TRES NA LIHESLATURAN  
GUAHAN FOR EXECUTIVE ORDER 2016-5 ISSUED BY  
GOVERNOR EDDIE BAZA CALVO, AND CONVEYING  
THAT THE RULE OF LAW MUST REMAIN AT THE  
CORE OF THE CALVO ADMINISTRATION'S  
EFFORTS TO DEPORT FOREIGN CRIMINALS FROM  
GUAM.

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1 **BE IT ENACTED BY THE COMMITTEE ON RULES OF *I MINA'***

2 ***TRENTAI TRES NA LIHESLATURAN GUÅHAN:***

3 **WHEREAS**, the existing Compacts of Free Association (COFA) provide  
4 for the admission of non-immigrant aliens for education and employment  
5 purposes; and

6 **WHEREAS**, these same Compacts of Free Association provided for the  
7 removal and deportation of COFA citizens who are not abiding by the laws of  
8 Guam and the United States; and

9 **WHEREAS**, federal statutes governing the Compacts of Free Association  
10 further established the legal basis for the deportation of COFA citizens who engage  
11 in criminal activity; and

1           **WHEREAS**, the United States Government has consistently neglected to  
2 adequately enforce the provisions of the Compacts of Free Association and  
3 governing federal statutes and unfortunately have not taken the necessary steps for  
4 the removal and deportation of those foreign criminals who are engaging in  
5 criminal activity, and who are therefore in violation of the Compacts of Free  
6 Association, the laws of Guam and the United States; and

7           **WHEREAS**, Public Law 32-49, “AN ACT TO ADD A NEW §80.50 TO  
8 ARTICLE 2 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED,  
9 RELATIVE TO CREATING A ‘THREE STRIKES’ PROVISION FOR  
10 HABITUAL OFFENDERS OF SERIOUS CRIMES” authored by Senator Brant  
11 McCreddie was signed into law on July 5, 2013, included in this law is a provision  
12 authored by Senator Rory J. Respicio which mandates that requires “[U]pon  
13 conviction of a deportable crime, the Attorney General of Guam (AG) shall  
14 immediately notify the U.S. Immigration and Customs Enforcement (ICE)  
15 Division of the U.S. Department of Homeland Security (DHS) of Guam’s desire to  
16 have the COFA citizen deported, requiring that the AG work closely with the U.S.  
17 ICE Division of DHS to ensure all documents related to the conviction and  
18 required for deportation are immediately provided to the proper authorities;” and

19           **WHEREAS**, under the terms of the Compacts of Free Association, citizens  
20 of the Federated States of Micronesia, the Republic of the Marshall Islands and the

1 Republic of Belau who have entered Guam via the Compact are subject to  
2 deportation if convicted of a felony or a crime of moral turpitude. They also are  
3 subject to deportation if they are sentenced to one year or more for any crime  
4 committed or if they are repeat offenders for Driving Under the Influence of  
5 Alcohol statutes; and

6 **WHEREAS**, Governor Calvo has recently issued Executive Order 2016-5  
7 invoking his authority under the Organic Act of Guam to take the necessary steps  
8 to deport a convicted felon to their country of origin; now therefore be it

9 **RESOLVED**, that *I Mina Trentai Tres Na Lihelaturan Guahan* does hereby  
10 register its full support for the actions of *I Maga'Lahen Guahan* through his  
11 execution of Executive Order 2016-5, and further assert that the Rule of Law must  
12 remain at the core of the Government of Guam's efforts to deport foreign criminals  
13 from Guam; and be it further

14 **RESOLVED**, that *I Mina Trentai Tres Na Lihelaturan Guahan* finds that  
15 such a policy to deport ALL foreign criminals, regardless of their country of origin,  
16 pursuant to the treaties which allowed them entry into Guam would be in keeping  
17 with the spirit of such treaties and furthermore that Executive Order 2016-5  
18 together with Section 2 of P.L. 32-49, clearly embodies the application of the Rule  
19 of Law; and be if further

1           **RESOLVED**, that the Speaker certify and the Legislative Secretary attest to  
2 the adoption hereof, and that copies of the same be sent to the Honorable Loretta  
3 Lynch, Attorney General of the United States; Jeh Johnson, Secretary of Homeland  
4 Security; and the Honorable Alicia Limtiaco, United States Attorney for Guam and  
5 Northern Marianas; the Honorable Madeleine Z. Bordallo; and the Honorable  
6 Eddie Baza Calvo, *I Maga'Lahen Guahan*.

DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES  
OF *I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN* ON THE \_\_\_\_  
DAY OF JULY, 2016.

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**JUDITH T. WON PAT, Ed.D**  
Speaker

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**RORY J. RESPICIO**  
Chairperson, Committee on Rules

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**TINA ROSE MUÑA BARNES**  
Legislative Secretary