



OFFICE OF THE GOVERNOR
GUAM

Refer to
Legislative Secretary

JUL 01 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Office of the Speaker
ANTONIO R. UNPINGCO

Date: July 1, 1999

Time: 10:30

Rec'd by: [Signature]

Print Name: [Signature]

0525/99-0198

Dear Speaker Unpingco:

Enclosed please find Bill No. 210 (LS), "AN ACT TO APPROPRIATE \$500,000.00 FROM FUNDS RETURNED BY THE SUPREME COURT OF GUAM TO THE GUAM POLICE DEPARTMENT TO HELP INTERDICT SMUGGLING", which was enacted into law without the signature of the Governor. It is now designated as **Public Law No. 25-61**.

Very truly yours,

Madeleine Z. Bordallo

Madeleine Z. Bordallo
I Maga'lahaen Guåhan, Akto
Acting Governor of Guam

| | |
|-------------------------------------|--------------------|
| OFFICE OF THE LEGISLATIVE SECRETARY | |
| ACKNOWLEDGMENT RECEIPT | |
| Received By | <u>[Signature]</u> |
| Time | <u>3:25 pm</u> |
| Date | <u>7-1-99</u> |

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

00342


MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

This is to certify that Bill No. 210 (LS), "AN ACT TO APPROPRIATE \$500,000.00 FROM FUNDS RETURNED BY THE SUPREME COURT OF GUAM TO THE GUAM POLICE DEPARTMENT TO HELP INTERDICT SMUGGLING," was on the 17th day of June, 1999, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 18th day of June, 1999,
at 9:50 o'clock P. M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

MADELEINE Z. BORDALLO

Akto I Maga'lahaen Guahan
Acting Governor of Guam

Date: July 1, 1999

Public Law No. 25-61

Became law without the signature of I Maga'lahaen Guahan,
the Governor of Guam.

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 210 (LS)

As amended on the Floor.

Introduced by:

Mark Forbes
J. M.S. Brown
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
E. B. Calvo
M. G. Camacho
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO APPROPRIATE \$500,000.00 FROM
FUNDS RETURNED BY THE SUPREME COURT OF
GUAM TO THE GUAM POLICE DEPARTMENT
TO HELP INTERDICT SMUGGLING.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds a very concerning situation unfolding over the last year, with hundreds
4 of illegal immigrants apprehended by local and Federal officials on Guam's
5 shores and in Guam's waters. Local authorities believe that an organized
6 criminal operation has set up infrastructure on Guam for conveying human

1 cargo, a despicable practice that unfortunately is being rewarded, because as
2 soon as any individual being smuggled sets foot on Guam soil, that individual
3 becomes eligible for asylum.

4 The United States policy in other areas, such as Florida, is to divert
5 vessels in the water to non-U.S. areas. Guam is in need of the same type of
6 operation in order to avoid a continued flood of illegal immigrants. Neither
7 the U.S. Coast Guard nor the Guam Police Department have sufficient
8 resources at this time to effectively patrol Guam's waters and divert
9 smuggling boats to other areas. *I Liheslaturan Guåhan* finds that it is in the
10 interest of the people of Guam to improve the ability of the Guam Police
11 Department to interdict smuggling operations.

12 **Section 2. Appropriation.** The Five Hundred Thousand Dollars
13 (\$500,000.00) returned to the General Fund by the Supreme Court of Guam
14 earlier this year is hereby appropriated from the General Fund to the Guam
15 Police Department for any of the following purposes:

16 (a) to repair and outfit any marine patrol craft transferred to the
17 Guam Police Department from military surplus, the United States
18 Marshal Service, or any other Federal entity, such craft to be used to
19 patrol Guam territorial waters to interdict smuggling;

20 (b) to purchase marine patrol craft to be used to patrol Guam
21 territorial waters to interdict smuggling; *and*

22 (c) to procure equipment and supplies necessary to facilitate
23 patrol of Guam territorial waters, Guam shores or the interior of Guam
24 for the purposes of interdicting smuggling or apprehending smugglers.

1 **Section 3.** This appropriation shall *not* be subject to *I Maga'laha*
2 *Guahan's* transfer authority.


3 **Section 4. Severability.** *If* any provision of this Act or its
4 application to any person or circumstance is found to be invalid or contrary to
5 law, such invalidity shall *not* affect other provisions or applications of this Act
6 which can be given effect without the invalid provisions or application, and to
7 this end the provisions of this Act are severable.



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

COPY

June 18, 1999

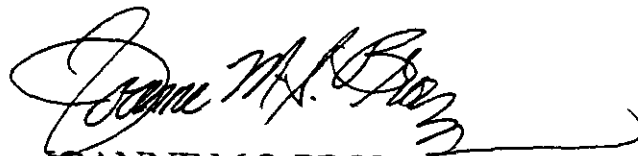
 6/18/99

The Honorable Carl T.C. Gutierrez
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 129(COR), 210(LS) and 238(COR) and Substitute Bill Nos. 186(COR), 191(COR) and 225(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on June 17, 1999.

Sincerely,




JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (6)


MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

This is to certify that Bill No. 210 (LS), "AN ACT TO APPROPRIATE \$500,000.00 FROM FUNDS RETURNED BY THE SUPREME COURT OF GUAM TO THE GUAM POLICE DEPARTMENT TO HELP INTERDICT SMUGGLING," was on the 17th day of June, 1999, duly and regularly passed.

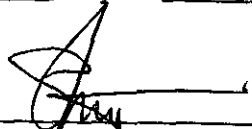


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 18th day of June, 1999,
at 5:50 o'clock P. M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA
NO
COM.
REPORT

CO NA LIHESLATURAN GUAHAN
(RST) Regular Session

OF AN ACT TO I MAGA'LAHEN GUAHAN

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F
DI
du

S), "AN ACT TO APPROPRIATE \$500,000.00 FROM
COURT OF GUAM TO THE GUAM POLICE
GGLING," was on the 17th day of June, 1999,

1-22-07
NEW

ANTONIO R. UNPINGCO
Speaker

Attest

JOANNE M.S. BROWN
Senator and Legislative Secretary

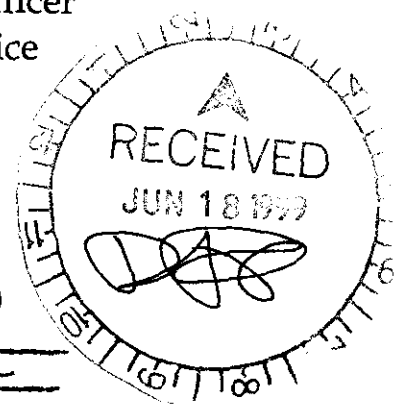
This Act was received by *I Maga'lahaen Guahan* this _____ day of _____, 1999,
at _____ o'clock _____M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 6/18/99
Time: 1:20 pm
Rec'd by: [Signature]
Print Name: Laurie



Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 210 (LS)

As amended on the Floor.

Introduced by:

Mark Forbes
J. M.S. Brown
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
E. B. Calvo
M. G. Camacho
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

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7 this end the provisions of this Act are severable.

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/17/99

VOTING SHEET

Bill No. 210 (LS)

Resolution No. _____

Question: _____

| NAME | YEAS | NAYS | NOT VOTING/ ABSTAINED | OUT DURING ROLL CALL | ABSENT ROLL CALL |
|----------------------------|------|------|--------------------------|-------------------------|---------------------|
| AGUON, Frank B., Jr. | | | | | ✓ |
| BERMUDES, Eulogio C. | ✓ | | | | |
| BLAZ, Anthony C. | ✓ | | | | 4+ |
| BROWN, Joanne M.S. | ✓ | | | | |
| CALVO, Eduardo B. | ✓ | | | | |
| CAMACHO, Marcel G. | ✓ | | | | |
| FORBES, Mark | ✓ | | | | |
| KASPERBAUER, Lawrence F. | ✓ | | | | |
| LAMORENA, Alberto C., V | ✓ | | | | |
| LEON GUERRERO, Carlotta A. | ✓ | | | | |
| MOYLAN, Kaleo Scott | ✓ | | | | |
| PANGELINAN, Vicente C. | ✓ | | | | |
| SALAS, John C. | ✓ | | | | |
| SANCHEZ, Simon A., II | ✓ | | | | |
| UNPINGCO, Antonio R. | ✓ | | | | |

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

June 14, 1999
(DATE)

FILE
COPY

Memorandum

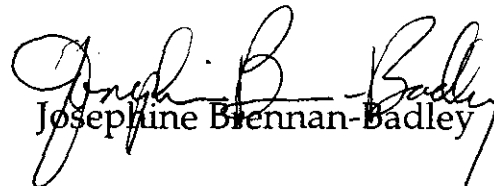
To: Senator MARK FORBES

From: Clerk of the Legislature

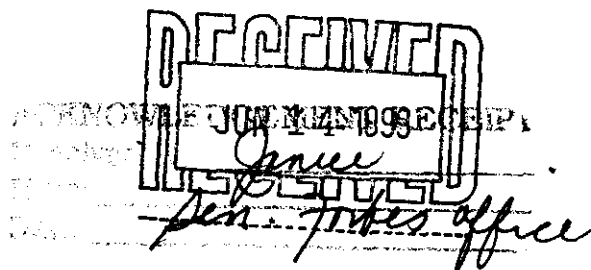
Subject: Report on Bill No. 210 (LS)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 210 (LS), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment





COMMITTEE ON JUDICIARY, PUBLIC SAFETY,
CONSUMER PROTECTION, AND HUMAN RESOURCES
DEVELOPMENT

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

June 14, 1999

The Honorable Antonio R. Unpingco
Speaker
Mina' Bente Singko na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

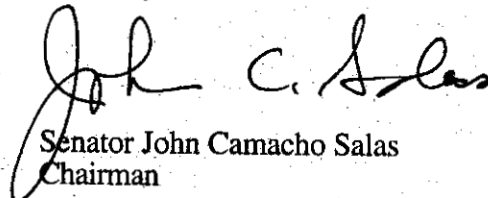
The Committee on Judiciary, Public Safety, Consumer Protection & Human Resources Development to which was referred Bill No.210, has had the same under consideration and now wishes to report back the same with the recommendation **TO DO PASS**.

The Committee votes are as follows:

| | |
|--------------------|----------|
| To Do Pass | <u>4</u> |
| Not To Pass | <u>0</u> |
| Abstain | <u>0</u> |
| Other (Off-Island) | <u>1</u> |

A copy of the Committee's report and other pertinent documents are attached for your reference and information.

Sincerely,


Senator John Camacho Salas
Chairman



SENATOR JOHN CAMACHO SALAS

CHAIRMAN

COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND
HUMAN RESOURCES DEVELOPMENT

VOTING SHEET

BILL NUMBER 210

TITLE AN ACT TO APPROPRIATE \$500,000 FROM MONEY RETURNED BY THE SUPREME COURT OF GUAM TO THE GUAM POLICE DEPARTMENT TO INTERDICT SMUGGLING

| | TO DO PASS | NOT TO PASS | ABSTAIN | INACTIVE FILE |
|------------------------------------|------------|-------------|---------|---------------|
| John Camacho Salas, Chairman | ✓ | | | |
| Kaleo S. Moylan, Vice-Chairman | ✓ | | | |
| Frank B. Aguon, Jr., Member | | | | |
| Joanne M.S. Brown, Member | ✓ | | | |
| Mark Forbes, Member | ✓ | | | |
| Alberto C. Lamorena V, Member | | | | |
| Carlotta A. Leon Guerrero, Member | | | | |
| Antonio R. Unpingco, Ex-Officio | | | | |

Committee on Judiciary, Public Safety, Consumer Protection, and
Human Resources Development
Committee Report on Bill 210
Publicly Heard Saturday, June 12, 1999

Bill 210 An act to appropriate \$500,000 from money returned by the Supreme Court of Guam to the Guam Police Department to interdict smuggling. Senator Mark Forbes.

I. ATTENDANCE

- Senator John C. Salas, Chairman
- Senator Kaleo S. Moylan, Co-Chairman
- Senator Joanne M.S. Brown, Member
- Senator Vicente C. Pangelinan
- Senator Simon A. Sanchez, II

II. MAIN SPONSORS

Senator Mark Forbes

III. SYNOPSIS

Bill 210 appropriates \$500,000 to the Guam Police Department with money returned by the Supreme Court of Guam to the General Fund on April 16, 1999. The author notes that an organized criminal operation has set up infrastructure on Guam for conveying human cargo. The United States policy in other jurisdictions such as Florida is to divert vessels in the water to non-U.S. areas. Guam desperately needs this same type of operation but does not have the resources to effectively patrol Guam waters and divert smuggling boats to other areas. The funds are to be used to purchase marine patrol craft and equipment as well as to repair and outfit existing surplus craft transferred to GPD from any federal entity.

IV. TESTIMONY

Chairman Salas provided an overview of the bill, noting that the Supreme Court of Guam declared it did not need to roll over \$500,000 and instead placed it back into the General Fund. The Guam Police Department has had to stretch its resources to help curb the smuggling of illegal aliens, and Senator Forbes felt that the department could use the funds to purchase the equipment necessary to do the job.

James M. Marques, Chief of Police - Guam Police Department, testified in support of the bill on behalf of the Guam Police Department and the Ad Hoc Task Force on Illegal Alien Activity on Guam. He read from his written testimony. One issue he touched on was the fact that the Harbor Patrol Section was never outfitted for the task of interdicting illegal immigration by sea. Further, the increased presence of the U.S. Coast Guard is expected to decline and once that happens, the department will be ill prepared to handle the task of interdiction alone. Chief Marques further explained that the department believes there is an organization that supports those who successfully arrive and that there is a "snakehead" organization in the CNMI with a foundation on Guam.

Chairman Salas asked Chief Marques if he felt that by pumping money into the department for interdiction purposes, it would hasten the federal assistance and the departure of the Coast Guard. **Mr. Bradley A. Hokanson, Guam Police Department**, noted that that he did not think this action would hasten their departure. Some Coast Guard assets have already left, and it will take 6-8 months before the department will be able to field a new boat. By the time the Coast Guard leaves and the boat is built, the GPD will have a better handle on how to deal with the situation.

Chairman Salas asked Chief Marques if the department was on its way to building its own navy. **Chief Marques** replied that the department does not have that intention. However, he noted that it is a reality that water activity is increasing and the department

has an added mission of patrolling an area 24 hours a day, 7 days a week. The department's resources will have to go up. **Mr. Hokanson** also clarified that the \$500,000 will only purchase one 48 foot boat, but this boat will enable the department to conduct search and rescue missions, tow stranded boats and other activities that they cannot do with their current boats. Chief Marques added that the boat will also help to deter drug trafficking on the water.

Senator Joanne Brown lent her support to the bill, noting that Guam needs to stand ready and not depend on the federal government to help us since their help will be limited.

Senator Pangelinan did express concern that the Attorney General raised a "red flag" concerning the enabling of Department of Labor agents to detain illegal aliens on Guam, yet do not offer this same caution when it comes to the Guam Police Department interdicting on the high seas. **Mr. Hokanson** noted that in the early days of drug interdiction, the Coast Guard would board boats to inspect their safety measures, as allowed by law. If they found illegal drugs or other contraband on board, they would then have reason to seize the vessel. In practice, the Guam Police Department is within its rights to stop boats for inspections. This may involve having to bring along an INS agent in case smuggled bodies are on board or holding the ship until an agent can be brought on board, but some system should be developed until the legal issues are settled.

Senator Pangelinan made clear that he supports Bill 210. However, he requested that the Committee and the Ad Hoc Task Force get a clear legal reading on this matter.

Vice Chairman Moylan noted for the record that Guam's Congressman should be lobbying very hard to get additional assistance to Guam. However, Senator Brown noted that this not a reality as Guam is a very low federal government priority.

V. COMMITTEE FINDINGS & RECOMMENDATION

The Committee, while concerned about the legal ramifications of the Guam Police Department stepping into federal jurisdiction by interdicting boats on the high seas, agreed that the bill is not meant to address legal issues. That is a matter that will be settled between the federal government and the Ad Hoc Task Force on Illegal Alien Activity on Guam. Bill 210 simply addresses the need for additional marine equipment if the Guam Police Department is left to defend Guam's shores with its own resources and very little assistance from the federal government. Therefore the Committee recommends **TO DO PASS** Bill 210.



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurat*

MAY 14 1999

MEMORANDUM

TO: Chairman
Committee on Judiciary, Public Safety, Consumer Protection
and Human Resources Development

FROM: Chairman *[Signature]*
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

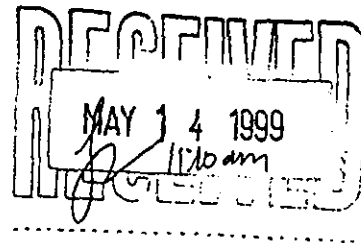
SUBJECT: Principal Referral – Bill No. 210

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



Introduced

APR 27 1999

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 210 (LS)
(COR)

Introduced by:

Mark Forbes 

AN ACT TO APPROPRIATE \$500,000 FROM MONEY
RETURNED BY THE SUPREME COURT OF GUAM
TO THE GUAM POLICE DEPARTMENT TO HELP
INTERDICT SMUGGLING.

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22 end the provisions of this Act are severable.



UNBELIEVABLE
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• Yigo Town Center

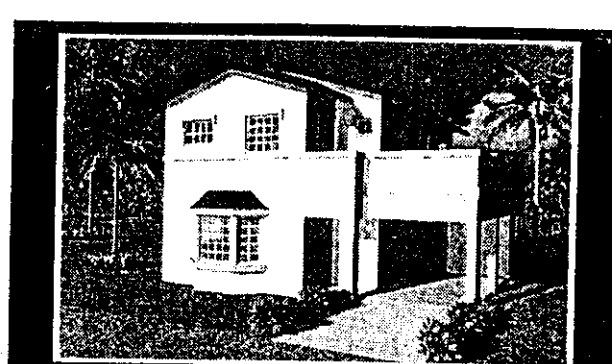


Ada's Trust & Investment, Inc.
472-9830

MICROPAC Inc.

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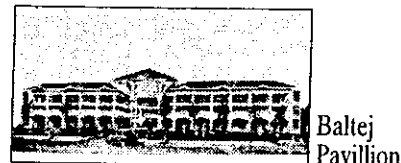
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472-1PDN

NOW LEASING!

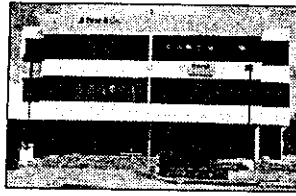
Paul's Plaza



Baltej Pavillion



San Antonio Plaza



Centerpoint Building



In the heart of Tamuning

For more information, call Ric (Property Mgr.)
482-3550 • 647-0202 • Fax: 646-9744

NOTICE OF PUBLIC HEARING
Senator John Camacho Salas
Chairman of the Committee on
Judiciary, Public Safety, Consumer Protection & Human Resources Development

Confirmation of Eustaquio A. Punzalan, Member, Guam Parole Board for a 4 year term ending April 18, 2003.

Bill 150 An act to amend §§7116, 7118 and 7125, and to add new §§7118.1 and 7118.2, all to Title 22, GCA, relative to empowering Department of Labor to detain illegal alien contract workers, and to provide penalties and fines for employment of illegal aliens


Bill 174 An act to add new §3112 to Chapter 2 of Title 7, Guam Code Annotated, relative to creating an Office of the Public Guardian.

Bill 210 An act to appropriate \$500,000 from money returned by the Supreme Court of Guam to the Guam Police Department to interdict smuggling.

Bill 225 An act to comply with the Hiring Freeze and Automatic repeal of appropriations and full-time equivalencies upon vacancy provisions contained in §21(b) of Public Law 25-03 by requesting legislative authorization for the restoration of the Supreme Court of Guam Staff Attorney position and one Research Attorney position, and the associated funding for each of those positions; including approval for two additional Research Attorneys.

Saturday, June 12, 1999, starting at 9:00 am
Legislature Public Hearing Room

address: 777 Sinajana Commercial Building, Route 4, Sinajana, Guam 96926
telephone: 472-3431, fax: 472-3433 e-mail: jsalas@sensalas.guam.net
website: KUENTOS-http://www.guam.net/sensalas TALAYA-http://www2.leg.gov/senators/sensalas
American Disabilities Association Coordinator: John Meno tel: 472-3431



GUAM POWER AUTHORITY
ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 HAGATNA, GUAM U.S.A. 96932-2977
Telephone Nos. (671) 646-9251/2/3 or Fax No. (671) 646-8163

INVITATION TO BID

| BID NO. | DUE DATE: | TIME: | DESCRIPTION: |
|------------|-----------|-----------|--|
| GPA-103-99 | 07/09/99 | 2:00 P.M. | Fuel Valve Automation at Cabras/Piti Power Plants and Fuel Metering at Maricao Bay |

GUAMCELL Communications & SAIPANCELL Communications
has an immediate opening for an

RF FIELD ENGINEER

Interested candidates must have the following qualifications:

- Experience in RF systems design and maintenance
- Must be able to work flexible hours and have a strong desire to learn
- Cellular telecommunications experience a plus
- Must have a high school diploma or its equivalent.



COMMITTEE ON JUDICIARY, PUBLIC SAFETY,
CONSUMER PROTECTION, AND HUMAN RESOURCES
DEVELOPMENT

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

PUBLIC HEARING AGENDA
LEGISLATURE'S PUBLIC HEARING ROOM

Saturday, June 12, 1999, 9:00 a.m.

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Bill 174 An act to add new §3112 to Chapter 2 of Title 7, Guam Code Annotated, relative to creating an Office of the Public Guardian. *Senator Vicente C. Pangelinan, Senator Simon A. Sanchez II.*

Bill 210 An act to appropriate \$500,000 from money returned by the Supreme Court of Guam to the Guam Police Department to interdict smuggling. *Senator Mark Forbes.*

Bill 234 An act to comply with Public Paw 25-03 by requesting legislative authorization for the restoration of one (1) Legal Secretary I position and one (1) Legal Secretary III position, both for the Public Defender Service Corporation, and the associated funding for each of those positions; and to authorize the Public Defender Service Corporation to carry over the unexpended balance of each fiscal year budget to the following fiscal year, beginning with the unexpended budget of FY1999.



Mina/Bente Singko na
Liheslaturan Guahan

SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND HUMAN RESOURCES DEVELOPMENT

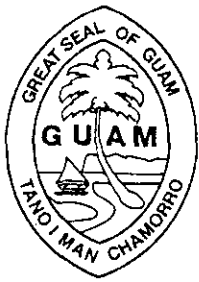
TESTIMONY SIGN IN SHEET

Saturday, June 12, 1999

Bill Number 210

Title AN ACT TO APPROPRIATE \$500,000 FROM MONEY RETURNED BY THE SUPREME COURT OF
GUAM TO THE GUAM POLICE DEPARTMENT TO INTERDICT SMUGGLING

| NAME | ORGANIZATION | TESTIMONY | |
|-----------------------------|----------------|---|----------------------------------|
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| JAMES M. MARQUES | GPD | <input type="checkbox"/> AGAINST | <input type="checkbox"/> ORAL |
| JAMES M. MARQUES | GPD | <input checked="" type="checkbox"/> FOR | <input type="checkbox"/> WRITTEN |
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CARL T.C.
GUTIERREZ
Governor of Guam

MADELEINE Z.
BORDALLO
Lieutenant Governor

Guam Police Department

Government of Guam

Bldg No. 233, Central Avenue, Tiyan, Guam 96913
Tel: (671) 475-8473 (Switchboard) • (671) 475-8509/8512
Fax: (671) 472-4036



J.M. MARQUES
Chief of Police

R.J. DERVISH
Deputy Chief
of Police

June 11, 1999

Håfa Adai! I am **James Marques**, Chief of Police. I am here today on behalf of Governor Carl T. C. GUTIERREZ and the Ad Hoc Task Force on Illegal Alien Activity on Guam. Our Task Force is comprised of representatives from the Guam Police Department, the Customs and Quarantine Agency, the Office of the Attorney General, the Department of Labor, Airport Police, Port Authority Police, U. S. Immigration and Naturalization Service (INS), Department of Public Health and Social Services and the Guam Environmental Protection Agency (GEPA).

Mr. Chairman and Members of the Committee. Thank you for the opportunity to provide testimony on Bill 210, yet another piece of noteworthy legislation sponsored by the Chairman of the Committee of Federal Regulations. On behalf of the Governor and the Ad Hoc Task Force, I would like to extend our appreciation for the oversight hearing on the illegal immigration issue which the Federal Affairs Chair conducted in April of this year and for his follow through in sponsoring this legislation.

Mr. Chairman. With me today, and available to answer questions you may have about the technical aspects of the patrol boats which would be useful to the Guam Police Department, is *Mr. Brad Hokanson*, the Department's boating expert. Let me also note that my testimony here today has *not* been cleared by the Bureau of Budget and Management Research, and thus the issues which I address are based solely on the perspective of law enforcement.

If I may, Mr. Chairman, I would like to approach the testimony from two directions. First, I would like to address the matter of patrol boats which is of considerable value to the Police Department. Secondly, I would like to discuss a broader range of law enforcement issues that have arisen as a result of the illegal immigration issue since Bill 210 was introduced to respond to the violation of Guam's borders by illegal immigrants.

Drug Free Guam Para Todos

The maritime component of the Guam Police Department is the Harbor Patrol Section. This section has eight (8) full time officers and 3 reserve officers assigned and two a (2) patrol boats. The patrol boats are a twenty one (21) foot rigid hull inflatable and a twenty seven (27) foot Boston Whaler. Both patrol boats are powered by outboard motors. The boats are maintained by local commercial marine maintenance facilities, funded 100% by the Recreational Boating Safety Grant program, including all equipment and supplies utilized by the GPD Harbor Patrol and Guam Fire Department's Rescue. The only local funding utilized by the Harbor Patrol is for the salaries of the police officers assigned to the Section. The Harbor Patrol works cooperatively with a range of law enforcement and search and rescue organizations, including the U. S. Coast Guard, Guam Fire Rescue, the Navy HC-5 Helicopter Squadron, Guam Aquatics and Wildlife, and Guam Customs all in coordination with GPD central command.

The primary mission of the Harbor Patrol Section is Recreational Boating Safety enforcement. Given the fact that the control of Guam's immigration was assumed by the United States, the GPD Harbor Patrol Section was never outfitted to serve as a deterrent to a mass influx of illegal immigration, or even to halt large vessels transporting loads of illegal human cargo. I should note, however, Mr. Chairman and Members, that this lack of capacity has not halted us from responding to and directly engaging vessels which we have detected smuggling aliens into Guam or supporting other law enforcement operations.

If I could Mr. Chairman, let me say that the increased presence of the U.S. Coast Guard in the past couple of months appears to have put a damper on the attempts of large boat loads of aliens to come ashore. But if the Coast Guard presence declines when it looks like the illegal operation has subsided, it is my belief that we are back to square one again. Perhaps even of more concern to the members of the Ad Hoc Task Force is that the apparent success of the Coast Guard in stopping the big boatloads may have led to the smugglers reverting to their earlier tactics of running small boatloads of illegals to Guam. We know that the small boat operation was successful by the sheer numbers of persons who have requested asylum by mail from Guam in 1996 and 1997 (almost 2,500 according to INS information). We also know that this type of operation is a particularly difficult one to halt unless you want to stop every pleasure craft and charter boat that approaches Guam from the Rota Banks.

And with our existing resources even while we refocus our marine strategy to address the violation of Guam's immigration border (again) by small boats two questions arise.

(A) Could we do more in the area of maritime interdiction with more resources?

The answer is yes.

(B) Should we continue to be engaged in these activities, even if immigration is not our responsibility?

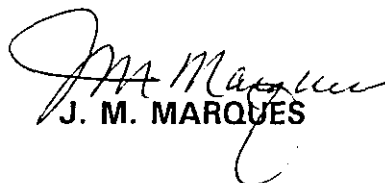
I say yes, because it is the safety and security of our island which is at risk.

It is to the later question that I would now like to turn.

Mr. Chairman, the impact of the successful illegal immigration operations of organized Chinese gangs is not just one of landing people inside the U.S. immigration area for the purpose of getting asylum. There is in fact an organization that supports those who successfully arrive. Our information leads us to believe that there is a substantial "snakehead" criminal operation in our neighboring northern islands and that the foundations for such activity is in place in Guam. Thus, illegal immigration is no longer just about stopping people at the border, but it is also about addressing criminal activity that is associated with persons who have successfully but illegally arrived in Guam.

Honorable Members of the Committee, our law enforcement responsibilities related to illegal aliens is not just about interdiction on the high seas. Unfortunately, illegal immigration is also about criminal activity in our villages and maybe even your neighborhood or my neighborhood. In this regard, I would respectfully request the opportunity to work with the Committee to assure that the language Bill 210 covers all level of law enforcement concerns that relate to illegal immigration into Guam.

In closing, on behalf of the Governor and the Ad Hoc Task Force on Illegal Immigration let me again extend our thanks to the sponsor of Bill 210, Senator Forbes, for his oversight hearing in April and to you Mr. Chairman for holding a hearing on this measure. We appreciate the support which this measure would extend to use in promoting our island's security and would like to work with the Legislature as this bill moves forward in Committee.


J. M. MARQUES

Introduced

APR 27 1999

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 210 ⁽¹⁵⁾
(COR)

Introduced by:

Mark Forbes 

**AN ACT TO APPROPRIATE \$500,000 FROM MONEY
RETURNED BY THE SUPREME COURT OF GUAM
TO THE GUAM POLICE DEPARTMENT TO HELP
INTERDICT SMUGGLING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

1 finds a very concerning situation unfolding over the last year, with hundreds
2 of illegal immigrants apprehended by local and federal officials on Guam's
3 shores and in Guam's waters. Local authorities believe that an organized
4 criminal operation has set up infrastructure on Guam for conveying human
5 cargo, a despicable practice that unfortunately is being rewarded because as
6 soon as any individual being smuggled sets foot on Guam soil, that individual
7 becomes eligible for asylum. The United States policy in other areas, such as
8 Florida, is to divert vessels in the water to non-U.S. areas. Guam is in need of
9 the same type of operation in order to avoid a continued flood of illegal
10 immigrants. Neither the U.S. Coast Guard nor the Guam Police Department
11
12

1 have sufficient resources at this time to effectively patrol Guam waters and
2 divert smuggling boats to other areas. *I Liheslatura* finds that it is in the
3 interest of the people of Guam to improve the ability of the Guam Police
4 Department to interdict smuggling operations.

5 **Section 2. Appropriation.** The Five Hundred Thousand Dollars
6 (\$500,000) returned to the General Fund by the Supreme Court of Guam
7 earlier this year is hereby appropriated from the General Fund to the Guam
8 Police Department for any of the following purposes:

9 (a) to repair and outfit any marine patrol craft transferred to the
10 Guam Police Department from military surplus, the United States
11 Marshal Service, or any other federal entity, such craft to be used to
12 patrol Guam territorial waters to interdict smuggling;

13 (b) to purchase marine patrol craft to be used to patrol Guam
14 territorial waters to interdict smuggling; and

15 (c) to procure equipment and supplies necessary to facilitate
16 patrol of Guam territorial waters, Guam shores or the interior of Guam
17 for the purposes of interdicting smuggling or apprehending smugglers.

18 **Section 3. Severability.** If any provision of this Act or its application to
19 any person or circumstance is found to be invalid or contrary to law, such
20 invalidity shall not affect other provisions or applications of this Act which
21 can be given effect without the invalid provisions or application, and to this
22 end the provisions of this Act are severable.